U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17490

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29 46'21"N 94 55'43"

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Cary Bayou Name of watershed: Cedar Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1 November 2005

Date(s): 20 October 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

🔀 There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.071 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Coon Bayou flows into Cary Bayou, Cary Bayou flows into Cedar Bayou which flows into Galveston Bay, a navigable water subject to the ebb and flow of the daily tide

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: FILE NUMBER: D-17490 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: Survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries as shown and
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Jhable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Jeadquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Jinited States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Roadside ditches created in Other (explain):
Data Corp U.S. U.S. USD. VSD. Natio State/ Aerial Advan Site vi Applic	EWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): s, plans, plots or plat submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Sheets prepared by the Corps. The office does not concur with the delineation report, dated 20 April 2005, prepared by (company): Sheets prepared by the Corps. The office does not concur with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concur with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concur with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concur with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concur with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concur with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concur with the delineation report, dated 20 April 2005, prepared by (company): CESI This office concurs with the delineation report, dated 20 April 2005, prepared by (company): CESI This office concurs with the delineation report, dated 20 April 2005, prepared by (company): CESI This office concurs with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concur with the delineation report, dated 20 April 2005, prepared by (company): CESI This office concurs with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concur with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concurs with the delineation report, dated 20 April 2005, prepared by (company): CESI This office does not concurs with the delineation report, dated 20 April 2005, prepared by (company): CES

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

FILE N	CT OFFICE: UMBER: CT LOCATION IN	CESWG I-5135 FORMATION:				
Sta Cor Cer Ap Na		te (latitude/longitud a (parcel) reviewed ay: Lake Houston		03 01 05, ng uplands: _		
	mpleted: Desktop Site visit	determination	× ×	Date: Date(s):	11/7/05 4/21/05	
Jui	risdictional Determi	nation (JD):				
		or "navigable wate				ppear to be no "waters of the liminary JD is not appealable
Ø	Approved JD – An Check all that apply		appealabl	le action (Re	ference 33 CFR part 331).	
	There are "navi					nd associated guidance) within
	There are "water reviewed area. App				3 CFR part 328 and associa	ited guidance) within the
	There are "isol				wetlands" within the review tory Bird Rule Information	wed area. Sheet for Determination of No
	The presence of wa	ider 33 CFR part 3 ters that are subject	329 as "n to the eb	b and flow o	ters of the United States": f the tide and/or are present or foreign commerce.	: ly used, or have been used in
B.	(1) The presence of interstate or foreign	f waters, which are a commerce, includ	currently ing all wa	used, or wer aters which a	f the United States": e used in the past, or may be re subject to the ebb and flo	
	sandflats, wetlands	f other waters such a , sloughs, prairie po	as intrasta tholes, w	ate lakes, riv et meadows	ers, streams (including inter playa lakes, or natural pond	ds, the use, degradation or
	(i) which are o	or could be used by in fish or shellfish ar or could be used fo of waters otherwise	interstate e or coul- r industri defined	or foreign tr d be taken and ial purposes las waters of		ther purposes. gn commerce.
	(6) The presence of	territorial seas.				nds adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

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I-5135

Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: ordinary High Tide Line indicated by: ordinary High Tide Line indicated by: fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas M M	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Huffman, 1999 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: Harris County Soil Survey National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 48201C0340J 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 DOQQ CIR Other photographs (Name & Date): 1995 DOQQ CIR Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 4/21/05 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17796

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· State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

29 51'59"N 94 54'51"W

Approximate size of area (parcel) reviewed, including uplands: 183.5 acres.

Name of watershed:

Name of nearest waterway: Cedar Point Lateral Old River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 7 November 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

4	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marchart There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

🛅 There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Α.	Waters defined	under 33 CFR	part 329 as	"navigable waters	of the	United States"	:
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The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
- (2) The presence of interstate waters including interstate wedlands.

 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign could be taken and sold in the could be taken and the could be taken and sold in the could be taken and sold in the cou
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

FILE NUMBER: D-17796

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
a	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<u> </u>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba XX	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Mont Belvieu U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Deological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quad

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17611

State: Texas

County: Harris
Center coordinates of site (latitude/longitude):

29° 56' 11"N, 95° 15' 06"W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Garners bayou Name of watershed: Greens Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

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Date: 7 November 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-17611 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Humble U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Digital Humble, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County Q3 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Humble DOQQ

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17606

PΒ	n	IF	CT	I	O	CA	T	T	n	N	T	N	F	n	R	M	A	T	ſО	N	:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

29° 54' 41"N, 95° 29' 30"W

Approximate size of area (parcel) reviewed, including uplands: 114 acres.

Name of nearest waterway: Vogel Creek White Oak Bayou Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 7 November 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
-	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Marcher There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands adjacent to Vogle Creek which flows into White Oak Bayou which flows into Buffalo Bayou which is, downstream, navigable and subject to the ebb and flow of the daily tide.

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 32	FILE NUMBER: D-17606
3	didinary riigh water Mark indicated by:	8 and 329)
	☐ clear, natural line impressed on the bank	High Tide Line indicated by: Oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation shelving	tidal gages
	other:	other:
G-st		
E		
Prop	survey to available datum; physical markings;	
	Wetland boundaries, as shown on the attached wetland de	lineation map and/or in a delineation report prepared by:
	Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incider the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets th 328.3(a).	of 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the ls or lagoons, pursuant to 33 CFR part 328.3. pland if the irrigation ceased. d/or diking dry land to collect and h purposes as stock watering, irrigation, settling basins, or all ornamental bodies of water created r for primarily aesthetic reasons. Ital to construction activity and pits excavated in dry land for and until the construction or excavation operation is e definition of waters of the United States found at 33 CFR
	Isolated, intrastate wetland with no nexus to interests	ite commoros
'		ral Resources Conservation Service. Explain rationale:
į	Non-tidal drainage or irrigation ditches excavated of Other (explain):	n dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applic Data sheets prepared/submitted by or on behalf of the applic This office concurs with the delineation report, dated This office does not concur with the delineation report, Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: 1995 J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic spandar Resources Conservation Service Soil Survey: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles:	pplicant. cant. , prepared by (company): dated 22 July 2005, prepared by (company): Phase One S Aldine
FI IO	tate/Local wetland inventory maps: EMA/FIRM maps (Map Name & Date): April 2000 Harris 00-year Floodplain Elevation is: (NGVD) terial Photographs (Name & Date): 1995 DOQQ ther photographs (Date): dvanced Identification Wetland maps: ite visit/determination conducted on: pplicable/supporting case law: ther information (please specify):	County

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC **FILE NUMBER: I-5235** PROJECT LOCATION INFORMATION: State: Texas County: Montgomery Center coordinates of site (latitude/longitude): 30° 22' 21"N, 95° 32' 54"W (NAD27) Approximate size of area (parcel) reviewed, including uplands: 1.0 acres. Name of nearest waterway: Lake Conroe Name of watershed: West Fork San Jacinto JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) Date(s): 08 November 2005 Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the present the p United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. **BASIS OF JURISDICTIONAL DETERMINATION:** Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wedards.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (2) The presence of interstate waters including interstate wetlands¹. sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La 🛄	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: I-5235 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas X	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
E A C A S A A A S A A A S A A S A A A S A A A S A A A S A A A S A A A S A A A S A A A S A A A S A A A S A A A S A A A A S A A A A A S A	Agas, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Dorps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: Cowl Spur, Texas 1976 J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey Thin the Historic quadrangle

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE N	UMBER: I-5241									
Stat Cou Cen App Nan	ct Location information: e: Texas unty: Montgomery ter coordinates of site (latitude/longitude): 30° 29' 13"N, 95° 34' 06"W (NAD27) proximate size of area (parcel) reviewed, including uplands:									
	ICTIONAL DETERMINATION npleted: Desktop determination									
Ine	isdictional Determination (JD):									
Sur M										
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:									
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:									
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:									
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.									
BASIS (OF JURISDICTIONAL DETERMINATION:									
<u>A.</u>	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.									
B. ■	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.									
	 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. 									
	 (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. 									

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project area contains wetlands bordering and contiguous with Lake Conroe. Lake Conroe is an impoundment of the San Jacinto River, which is a navigable water of the United States.

L	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	28 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.
×		elineation man and/or in a delineation report prepared by:
Ba	Unable to confirm the presence of waters in 33 CFR part Headquarters declined to approve jurisdiction on the basis. The Corps has made a case-specific determination that the United States: Waste treatment systems, including treatment pon Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating a retain water and which are used exclusively for surice growing. Artificial reflecting or swimming pools or other surice growing. Artificial reflecting or swimming pools or other surice growing. Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets to 328.3(a). Isolated, intrastate wetland with no nexus to inters	s of 33 CFR part 328.3(a)(3). e following waters present on the site are not Waters of the ds or lagoons, pursuant to 33 CFR part 328.3. upland if the irrigation ceased. nd/or diking dry land to collect and ch purposes as stock watering, irrigation, settling basins, or nall ornamental bodies of water created er for primarily aesthetic reasons. ental to construction activity and pits excavated in dry land for s and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR tate commerce. tural Resources Conservation Service, Explain rationals:
	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the appl This office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: She U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Surve	applicant. icant, prepared by (company): , dated, prepared by (company): epard Hill, Texas 1997 y: unty, Texas Panel 205 of 750. Dated December 19, 1996

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	ICT OFFICE: CESWG-PE-RC IUMBER: D-17631
Sta Co Co Ap Na	ate: Texas bunty: Orange, Hardin, and Jefferson Counties inter coordinates of site (latitude/longitude): 30° 06′ 16″N, 93° 45′ 37″W (NAD27) inter coordinates size of area (parcel) reviewed, including uplands: 3840 acres. inter of nearest waterway: Adams Bayou inter of watershed: Lower Sabine
	DICTIONAL DETERMINATION ompleted: Desktop determination
Ju	risdictional Determination (JD):
<u>E</u>	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:18.0 acre
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 20.0 acre.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A .	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) − (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Sabine River and Adams Bayou are both within the project area and are Navigable waters of the United States.

eral Extent of Junio	distions (Defenses 22 CI	TD . 220	FILE NUMBER: D-17631
Ordinary High Wat	er Mark indicated by:	'K parts 328 and 3	29)
Clear, natural	line impressed on the bank		High Tide Line indicated by:
the presence of	of litter and debris		oil or scum line along shore objects
changes in the	character of soil		fine shell or debris deposits (foreshore)
	terrestrial vegetation		physical markings/characteristics
shelving	rostrai regetation		tidal gages tidal gages other: Man of the project area
other:			other: Map of the project area
Mean High Water N	Mark indicated by:		
☐ survey to availal	ole datum; 🔲 physical ma	rkings; vegetat	ion lines/changes in vegetation types.
wetiand boundaries	, as snown on the attached	wetland delineation	on map and/or in a delineation report prepared by:
The reviewed area c Unable to confirm th Headquarters decline The Corps has made United States: Waste treatm Artificially in Artificial lak retain water a rice growing Artificial refl by excavating Water-filled the purpose of abandoned ar 328.3(a). Isolated, intra Prior converte Non-tidal dra	onsists entirely of uplands, he presence of waters in 33 and to approve jurisdiction of a case-specific determinate them the systems, including treating and ponds created by example and which are used exclusive the company of the resulting body of water the company of the company of the resulting body of water the company of the resulting body of water the company of the company of the resulting body of water the company of the compan	CFR part 328(a)(1) on the basis of 33 (2) ion that the follow atment ponds or lag if revert to upland it cavating and/or dilevely for such purpor or other small orna retain water for present in cidental to cavel unless and uniter meets the definition of the present the store interstate comby the Natural Reservant of the same and the comby the Natural Reservant of the same and the comby the Natural Reservant of the same and the comby the Natural Reservant of the same and the comby the Natural Reservant of the same and the comby the Natural Reservant of the comby the same and the comby the c	CFR part 328.3(a)(3). ing waters present on the site are not Waters of the goons, pursuant to 33 CFR part 328.3. f the irrigation ceased. It is irrigation to collect and oses as stock watering, irrigation, settling basins, or amental bodies of water created imarily aesthetic reasons. Construction activity and pits excavated in dry land for til the construction or excavation operation is ition of waters of the United States found at 33 CFR improve.
Data sheets prepared/ This office concu This office does repared forps' navigable water. S. Geological Survey.	prial submitted by or on behalf of submitted by or on behalf of the submitted by or on behalf of the submitted by the Corps. The submitted by 7.5 Minute Topographic by 7.5 Minute Historic quadress Conservation Service States and Name & Date): In Submitted by or on behalf of the submitted by 7.5 Minute Historic quadress Conservation Service States and Name & Date): In Submitted by or on behalf of the submitted by 7.5 Minute Historic quadress Conservation Service States and Name & Date): In Conducted on: In conducted on: In case law:	nalf of the applicant of the applicant. ort, datedtion report, dated maps: 1974 Orang drangles: rangles: Soil Survey:	it, prepared by (company):, prepared by (company): gefield, Tx.
	clear, natural clear clear conditions of changes in the destruction of shelving other: Mean High Water Manage of the reviewed area control confirm the survey to available to confirm the deadquarters declined. The Corps has made united States: Waste treatm clear clear clear clear control clear c	Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Mean High Water Mark indicated by:	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetat Wetland boundaries, as shown on the attached wetland delineation. The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1) Headquarters declined to approve jurisdiction on the basis of 33 CFR companies Martificially irrigated areas, which would revert to upland in Artificially irrigated areas, which would revert to upland in Artificial lakes and ponds created by excavating and/or diaretain water and which are used exclusively for such purper rice growing. Artificial reflecting or swimming pools or other small orne by excavating and/or diking dry land to retain water for promater water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the defining 328.3(a). Isolated, intrastate wetland with no nexus to interstate companies Intrastate wetland with no nexus to interstate companies Prior converted cropland, as determined by the Natural Resulting holds of the applicant This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

State: Texa	CATION INFORMATION:									
Center cook Approxima Name of ne	ontgomery County rdinates of site (latitude/longit te size of area (parcel) review earest waterway: East Fork Cr	ed, includi ystal Creel								
		⊠ ⊠	Date: 14 November 2005 Date(s):							
urisdictio	nal Determination (JD):									
Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).										
		n appealal	able action (Reference 33 CFR part 331).							
			States" (as defined by 33 CFR part 329 and associated guidance) within dictional area:							
			as defined by 33 CFR part 328 and associated guidance) within the ional area:							
■ Th			-state waters or wetlands" within the reviewed area. WANCC/Migratory Bird Rule Information Sheet for Determination of No							
. Water The pr	es defined under 33 CFR par esence of waters that are subje	t 329 as " ect to the e	"navigable waters of the United States": ebb and flow of the tide and/or are presently used, or have been used in							
(1) Th interst (2) Th	e presence of waters, which ar ate or foreign commerce, inclu e presence of interstate waters	e currentluding all wincluding	ly used, or were used in the past, or may be susceptible to use in waters which are subject to the ebb and flow of the tide.							
sandfl destruction (i (i) (i) (i) (4) Im (5) Th (6) Th	ats, wetlands, sloughs, prairie ction of which could affect int) which are or could be used b i) from which fish or shellfish ii) which are or could be used poundments of waters otherwise presence of a tributary to a very presence of territorial seas.	potholes, verstate cor y interstat are or cou for indust se defined vater ident	wet meadows, playa lakes, or natural ponds, the use, degradation or ommerce including any such waters (check all that apply): the or foreign travelers for recreational or other purposes, build be taken and sold in interstate or foreign commerce. Strial purposes by industries in interstate commerce. Set as waters of the US.							
	Name of ne Name of we Name of Name	Name of nearest waterway: East Fork CryName of watershed: West Fork San Jacin SDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Durisdictional Determination (JD): Preliminary JD - Based on available United States" and/or "navigable was (Reference 33 CFR part 331). Approved JD - An approved JD is a Check all that apply: There are "navigable waters of the reviewed area. Approximate size of the reviewed area. Approximate size of There are "isolated, non-navigated Decision support Jurisdiction. SOF JURISDICTIONAL DETERMINAL Waters defined under 33 CFR part The presence of waters that are subject the past, or may be susceptible for understate or foreign commerce, including the process of the control of waters waters (3) The presence of other waters success and flats, wetlands, sloughs, prairie destruction of which could affect interest (i) which are or could be used (ii) from which fish or shellfish (iii) which are or could be used (4) Impoundments of waters otherwing (5) The presence of a tributary to a work (6) The presence of territorial seas.	Completed: Desktop determination Site visit(s) Durisdictional Determination (JD): Preliminary JD - Based on available informat United States" and/or "navigable waters of the (Reference 33 CFR part 331). Approved JD - An approved JD is an appealate Check all that apply: There are "navigable waters of the United the reviewed area. Approximate size of jurisdict reviewed area. Approximate size of jurisdict There are "isolated, non-navigable, intra Decision supported by St Jurisdiction. SOF JURISDICTIONAL DETERMINATIONAL Waters defined under 33 CFR part 329 as The presence of waters that are subject to the the past, or may be susceptible for use to transite the past, or may be susceptible for use to transite interstate or foreign commerce, including all (2) The presence of interstate waters including (3) The presence of other waters such as intrasandflats, wetlands, sloughs, prairie potholes, destruction of which could affect interstate or [ii) which are or could be used by interstating (iii) from which fish or shellfish are or could in the presence of a tributary to a water ider (5) The presence of a tributary to a water ider (6) The presence of territorial seas.							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	ord	Extent of Jurisdiction: (Reference: 33 CFR parts 328 a linary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	nd 3	FILE NUMBER: D-17657 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
3	∟ s	n High Water Mark indicated by: urvey to available datum; physical markings; veg and boundaries, as shown on the attached wetland deline	getati eatio	ion lines/changes in vegetation types. on map and/or in a delineation report prepared by:
	is For The r Unab Head	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 328 quarters declined to approve jurisdiction on the basis of Corps has made a case-specific determination that the fold States: Waste treatment systems, including treatment ponds of Artificially irrigated areas, which would revert to upla Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such price growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the dealers. Isolated, intrastate wetland with no nexus to interstate of Prior converted cropland, as determined by the Natural Non-tidal drainage or irrigation ditches excavated on de Other (explain):	(a)(1, 33 Cl lowing r lagged r dik urpos ornar r prir to co until efinit	p., 2, or 4-7). FFR part 328.3(a)(3). Ing waters present on the site are not Waters of the soons, pursuant to 33 CFR part 328.3. The irrigation ceased. It ing dry land to collect and sees as stock watering, irrigation, settling basins, or mental bodies of water created marily aesthetic reasons. Instruction activity and pits excavated in dry land for ill the construction or excavation operation is tion of waters of the United States found at 33 CFR merce.
D. C.	ata shall Thing Th	VED FOR JURSIDICTIONAL DETERMINATION of blans, plots or plat submitted by or on behalf of the applicant, so office concurs with the delineation report, dated so office does not concur with the delineation report, dated so office does not concur with the delineation report, dated so office does not concur with the delineation report, dated so office does not concur with the delineation report, dated so office does not concur with the delineation report, dated so office does not concur with the delineation report, dated so office does not concur with the delineation report, dated so office does not concur with the delineation report, dated so office does not concur with the delineation report, dated so office date waters' studies: Obligical Survey Hydrologic Atlas: Obligical Survey 7.5 Minute Topographic maps: 1997 Willis, dual report of quadrangles: Obligical Survey 15 Minute Historic quadrangles: Obligical Survey 1997 Willis, Texas Call Willis, Texas Call William 1997 Willis, Texas Obligical Survey 1997 Willis, Texas Obligical Survey 1997 Willis, Texas Call William 1997 Willis Obligical Survey 1997 Willis O	d	, prepared by (company):, prepared by (company): Texas

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17492

PROJECT LOCATION INFORMATION:

State: Texas County: Jefferson

Center coordinates of site (latitude/longitude): 29° 56′ 54″N, 93° 55′ 02″W

g uplands: acres.

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Neches River Name of watershed: Neches River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

8

Date: 14 November 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\$ there appear to be (or) \(\square\$ there appear to be no "waters of the
 United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Ţ	ateral Extent of Junicipies (D. C. 22 CPR 22 CPR)	92
Ē	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by:	
	1 alam and 11.	
	1 1 the man of the control of the co	
	about of debtis deposits (foleshole)	
	doctrication of the market of the state of t	
	destruction of terrestrial vegetation tidal gages shelving other:	
	other:	
-		
L		
	☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
150	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
B:	United States:	
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.	
	Artificially irrigated areas, which would revert to unland if the irrigation ceased	
	Interest and points ordated by excavating and/or this into the collect and	
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.	
	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.	
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill and a property land incidental to construction activity and pits excavated in dry land for	
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR	
	526.5(a).	
	Isolated, intrastate wetland with no nexus to interstate commerce.	
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:	
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): 	
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company):	
	I like office does not concur with the delineation report dated prepared by (company).	
3	Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Port Arthur North	
550	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	U.S. Geological Survey 15 Minute Historic quadrangles:	
25	USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps:	
菌	State/Local wetland inventory maps:	
図	FEMA/FIRM maps (Map Name & Date): City of Groves; 6 January 1983	
Ē	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-16452/(01) PROJECT LOCATION INFORMAT

PRO	JEC	T LOCA	TION IN	FORMATION:		
	State		Texas			
	Cou		Harris			
				te (latitude/longit		29° 52' 28"N, 95° 19' 48"W
				a (parcel) review	ed, including	g uplands: acres.
				ay: Halls Bayou		
	Nam	e of wate	rshed:	Greens Bayou		
				RMINATION	Res)	D . 1437 1 0005
	Con	ipleted:	•	determination		Date: 14 November 2005
			Site visit((s)		Date(s):
	Inri	edictions	l Determi	nation (JD):		
	Jui 1			` '		
		United S	tates" and/			, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		`				
	×		d JD – An l that apply	• •	ın appealable	e action (Reference 33 CFR part 331).
		There	e are "navi wed area.	gable waters of t Approximate siz	he United St e of jurisdic	rates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		There reviewed	e are "wate l area. Ap	ers of the United proximate size of	States" (as of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the al area: 0.588 acres.
		There	e are "isol	ated, non-naviga Decision suppor Jurisdiction.	ble, intra-storted by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
RAS	10 (E HIDIS	DICTION	NAL DETERMI	INATION:	
						avigable waters of the United States":
	A.	The prese	ence of wa	iters that are suhi	ect to the ebi	b and flow of the tide and/or are presently used, or have been used in
	4620	the pact	or may be	susceptible for r	ice to transpo	ort interstate or foreign commerce.
		the past,	of may be	susceptible for u	ise to transpe	The interstate of foreign commerce.
	В.	Waters	defined ur	nder 33 CFR na	rt 328.3(a) a	s "waters of the United States":
	isi.	(1) The r	oresence of	f waters which a	re currently	used, or were used in the past, or may be susceptible to use in
		interstate	or foreign	n commerce incl	uding all wa	ters which are subject to the ebb and flow of the tide.
	囫	(2) The r	oresence o	f interstate water	s including i	nterstate wetlands ¹ .
		(3) The r	presence of	f other waters suc	ch as intrasta	ite lakes, rivers, streams (including intermittent streams), mudflats,
	123	sandflats	wetlands	sloughs prairie	notholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
		destructi	on of which	h could affect in	terstate com	merce including any such waters (check all that apply):
			which are o	or could be used !	by interstate	or foreign travelers for recreational or other purposes.
			from which	h fish or shellfish	are or could	d be taken and sold in interstate or foreign commerce.
		日篇	which are	or could be used	l for industri	al purposes by industries in interstate commerce.
		(4) Impo	undments	of waters otherw	ise defined	as waters of the US.
	H	(5) The r	nresence o	f a tributary to a	water identif	ied in (1) – (4) above.
	逐			f territorial seas.	ator identifi	(-) (-) ===
	X	(7) The r	presence o	f wetlands adjace	ent ² to other	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are neighboring Halls Bayou which flows into Greens Bayou which, downstream, is subject to the ebb and flow of the daily tide and is navigable.

FILE NUMBER: D-16452/(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Corrigan Consulting, Inc. Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 27 October 2005, prepared by (company): Corrigan This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Settegast U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County National wetlands inventory maps: 1999 Digital Settegast State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County 6 November 1996 & 20 April 2000 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Settegast DOOO Other photographs (Date): Site visits Photos Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-10816(01) PROJECT LOCATION INFORMATION: State: Texas County: Harris County Center coordinates of site (latitude/longitude): 29° 42′ 52″N, 95° 15′ 36″W (NAD83) Approximate size of area (parcel) reviewed, including uplands: 6.0 acres. Name of nearest waterway: Plum Creek Name of watershed: Buffalo-San Jacinto JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 14 November 2005 Site visit(s) Date(s): 17 November 2005 Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\precent{\prece United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	ateral	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and			FILE NUMBER: D-10816(01)
	Ord	inary High Water Mark indicated by:	32	.9)	
	· 🖺	clear, natural line impressed on the bank	H	ligh	Tide Line indicated by:
	\Box	the presence of litter and debris	Ļ	=	oil or scum line along shore objects
		changes in the character of soil	Ļ	╡	fine shell or debris deposits (foreshore)
	$\overline{\Box}$	destruction of terrestrial vegetation	Ļ	_	physical markings/characteristics
	ñ	shelving	Ļ		tidal gages
	Ħ	other:	L		other:
	_				
	Mea	n High Water Mark indicated by:			
	\square s	urvey to available datum; physical markings; vegeta	atic	on E	ines/shanges in acceptable
	Wet	and boundaries, as shown on the attached wetland delineat	ion	ı ma	up and/or in a delineation report prepared by:
Bas	sis For	Not Asserting Jurisdiction:			
	The r	eviewed area consists entirely of uplands			
	Unab	ple to confirm the presence of waters in 33 CFR part 328(a)	a	2 0	or 4-7)
	Head	quarters declined to approve jurisdiction on the basis of 22	CE	ED ~	nort 220 2(1)(2)
	The (corps has made a case-specific determination that the following	win	ig v	vaters present on the site are not Waters of the
	_				
		Waste treatment systems, including treatment ponds or la	ago	ons	s, pursuant to 33 CFR part 328.3.
	H	and and an arrangement of the standard of the	1 t t	the	irrigation accord
	_	and/or d	libii	ina a	dry land to gallage and
		retain water and which are used exclusively for such purprice growing.	pos	es a	is stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other small orr		m o m t	tol hading Control to
		of executating and/or diking dry land to retain water for n	rim	nori	ly poeth ation was a sure
		The deplessions created in the land incidental to	COL	nete	notion activity and the second second
		and resulting body of water meets the nem	niti	ion	of waters of the United States found at 22 CED
	H	Isolated, intrastate wetland with no nexus to interstate cor	nm	ierc	e.
	H	Prior converted cropland, as determined by the Natural Re	eso	urc	es Conservation Service. Explain rationale:
	ŏ	Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	land	d. I	Explain rationale:
		(<u>F</u>)			
DATA RI	EVIEV	WED FOR HIDSIDICTIONAL PROPERTY.			
	Mans.	WED FOR JURSIDICTIONAL DETERMINATION (mplans, plots or plat submitted by or on behalf of the applications or plat submitted by or on behalf of the applications.)	ıarl	k al	il that apply):
	Data sl	peets prepared/submitted by or on behalf of the applicant.	nt.		
	IN	IIS Office concurs with the delineation report dated			
	☐ Th	is office does not concur with the delineation report, dated		F ب	prepared by (company):
					, prepared by (company):
	Corps'	navigable waters' studies:			
	U.S. G	eological Survey Hydrologic Atlas:			
	U.S. Ge	eological Survey 7.5 Minute Topographic maps: 1995 Park	Pla	ace	
	J.S. G	cological Survey /.5 Minute Historic quadrangles:			
	16DY .	cological Survey 15 Minute Historic quadrangles:			
	Jationa	Natural Resources Conservation Service Soil Survey:			
	tate/I	al wetlands inventory maps: 1999 Park Place ocal wetland inventory maps:			
⊠ F	EMA/	FIRM maps (Map Name & Date): Harris County, Texas Pa			5 04-0-
1	00-yea	r Floodplain Elevation is: (NGVD)	nel	ı 88:	o ot 1135
X A	Aerial P	Photographs (Name & Date): 1995 Park Place DOOO			
	iner pi	hotographs (Date):			
A	dvance	ed Identification Wetland maps:			
S	ite visi	t/determination conducted on: 17 November 2005			
	pplical	ble/supporting case law:			
	uici in	formation (please specify):			·

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17491

1	PR	Λ	TE	C	rĸ	Ω	CA	T	n	N	T	VE	n	D	м	٨	TI	n	N	
и	РК		. S PC				. A				- 61	v r	.,	к	171	-				

State: Texas

County: Montgomery

30° 07' 30"N, 95° 27' 27"W Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: 35 acres. Name of nearest waterway: Unnamed Tributary of Panther Creek

Panther Creek Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 14 November 2005 Date(s): Site visit(s)

Jurisdictional Determination (JD):

輸	Preliminary JD - Based on available information, _ there ap	ppear to be (or) 🔲 t	here appear to be no "waters of the
	United States" and/or "navigable waters of the United States'	' on the project site.	A preliminary JD is not appealable
	(Reference 33 CFR part 331).	•	

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 2

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign comme (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	iteral I	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 3		FILE NUMBER: D-17491
10s 272	Ord			
		clear, natural line impressed on the bank	High	h Tide Line indicated by:
		the presence of litter and debris	님	oil or scum line along shore objects
		changes in the character of soil		fine shell or debris deposits (foreshore)
		destruction of terrestrial vegetation	H	physical markings/characteristics
		shelving	H	tidal gages other:
		other:	ш	ouler.
-				
	Mear	High Water Mark indicated by:		
	∐ St	urvey to available datum; physical markings; vegetat	tion	lines/changes in vegetation types
لقا	***************************************	and boundaries, as shown on the attached wetland delineation	on m	nap and/or in a delineation report prepared by:
	The re	Not Asserting Jurisdiction: eviewed area consists entirely of uplands.		
	Unab.	le to confirm the presence of waters in 33 CFR part 328(a)(1)	1, 2,	or 4-7).
	* I Cau	qualities declined to approve infrightetion on the basis of 22 (מחד	
		Corps has made a case-specific determination that the follow d States:	ing '	waters present on the site are not Waters of the
		Waste treatment systems, including treatment ponds or lag Artificially irrigated areas, which would revert to upland i	goon	is, pursuant to 33 CFR part 328.3.
	$\overline{\boxtimes}$	Artificial lakes and ponds created by excavating and/or di	I the	e irrigation ceased.
		retain water and which are used exclusively for such purportice growing.	King	gary land to collect and
	_			
		Artificial reflecting or swimming pools or other small orna	amer	ntal hodies of water created
		of cheataining and/or diking dry land to retain water for pr	imar	rily aecthotic recess-
		" atter-filled deplessibilis created in ary land incidental to a	onct	transform anticity and the
		the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the defin 328.3(a).		
		Isolated, intrastate wetland with no nexus to interstate com		
		Prior converted cropland, as determined by the Natural Re-	Sour	ces Conservation Service Evaluin rationals.
	П			
	ᆸ	Non-tidal drainage or irrigation ditches excavated on dry la Other (explain):	and.	Explain rationale:
		· • /		
DATA RI	EVIEV	VED FOR HIDSIDICTIONAL PREPARE		
Ø	Maps.	VED FOR JURSIDICTIONAL DETERMINATION (mapplans, plots or plat submitted by or on behalf of the applicant	ark a	all that apply):
A	Data sh	neets prepared/submitted by or on behalf of the applicant.	ıt.	
	☐ Th			and have a second
1	∐ In:	is office does not concur with the delineation report, dated	гера	ared by (company): ,prepared by (company):
	Data sn	eets prepared by the Corps.		, prepared by (company):
	Corps'	navigable waters' studies:		
	J.S. Ge	cological Survey Hydrologic Atlas:		
	J.S. Ge	cological Survey 7.5 Minute Topographic maps: 1995 Spring	g	
	J.S. Ge	ological Survey 7.5 Minute Historic quadrangles		
T I	J.S. GC	cological Survey 15 Minute Historic quadrangles:		
園、	Vationa	Natural Resources Conservation Service Soil Survey: I wetlands inventory maps:		
	tate/Lo	ocal wetland inventory maps:		
⊠ F	EMA/I	FIRM maps (Map Name & Date): Digital Montgomery Cou	intv	
2 1	oo-yea	r Floodplain Elevation is: (NGVD)		
Ճ A	crial P	hotographs (Name & Date): 1990, 2004 Color Aerials & 10	95 S	Spring DOOO
	unei bi	lotographs (Date): Site Photographs	- ~	
A	.avance	ed Identification Wetland maps:		
	ne visi	t/determination conducted on: ble/supporting case law:		
	ther in	formation (please specify):		
		(prouse specity).		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17419

PROJECT LOCATION	INFORMATION
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State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

29° 46' 03"N, 95° 08' 05"W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Carpenters Bayou Name of watershed:

Carpenters Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 14 November 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Matter There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

鑋

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Site contains an unnamed tributary to Carpenters Bayou and Carpenters Bayou, which is subject to the ebb and flow of the tide at its confluence with the Old River section of the Houston Ship Channel.

La	teral l	Extent of Jurisdiction: (Reference: 33 CFR pa		FILE NUMBER: D-17419
15	Ord	illary riigh water Mark indicated by:	arts 328 and	329) High Tide Line in diseased to
		clear, natural line impressed on the bank		High Tide Line indicated by: oil or scum line along shore objects
	님	the presence of litter and debris		fine shell or debris deposits (foreshore)
	님	changes in the character of soil		physical markings/characteristics
	H	destruction of terrestrial vegetation shelving		☐ tidal gages
	Ħ	other:		other:
-	_			
	Mear	n High Water Mark indicated by:		
		survey to available datum; physical marking		
	Wetl	land boundaries, as shown on the attached wetle	and delineati	ion map and/or in a delineation report prepared by:
選	The r	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands.		
3	Unab	ole to confirm the presence of waters in 33 CFR	part 328(a)(1. 2. or 4-7)
	Ticadi	iqualities decilifed to approve illrisdiction on the	hacic of 22	CED 220 27 7/27
	1110	Corps has made a case-specific determination the States:	hat the follow	wing waters present on the site are not Waters of the
		Waste treatment systems, including treatment Artificially irrigated areas, which would reven artificial lakes and a read areas.	it ponds or la	goons, pursuant to 33 CFR part 328.3.
		Attiticial takes and ponds created by excavat	ting and/or d	iking day land 4 11
		Total water and which are used exclusively	for such purr	ooses as stock watering, irrigation, settling basins, or
	ш	Artificial reflecting or swimming pools or other excavating and/or diking devices the	her small orn	amental bodies of water created
		by excavating and/or diking dry land to retain Water-filled depressions created in dry land it	n water for p	rimarily aesthetic reasons.
		F The second of obtaining Int. Said. Of player	แบบคออ จทุก มห	construction activity and pits excavated in dry land for the construction or excavation operation is
		manufacture and the resulting body of water m	eets the defin	nition of waters of the United States found at 33 CFR
		()-		
	Ħ	Isolated, intrastate wetland with no nexus to i	interstate con	nmerce.
	_	their converted cropialid, as determined by the	ie Natural Re	esources Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excav	ated on dry	and. Explain rationale:
	ليا	Other (explain):		•
DATA RI	TVIEV	WED FOR HIDSIDICTION AS A TOTAL		
	Maps.	WED FOR JURSIDICTIONAL DETERMIN plans, plots or plat submitted by or on behalf o	NATION (m	ark all that apply):
Two T	Jaia Si	needs prepared/submitted by or on behalf of the	annlicant	
Į	ın	ils office concurs with the delineation report de	ated .	prepared by (company):
L		mo office does not concut with the delineation r	eport, dated	, prepared by (company):
	Jaia sn	neets prepared by the Corps.		71 Sparse of (company).
	JS Ge	navigable waters' studies: eological Survey Hydrologic Atlas:		
⊠ i	J.S. Ge	eological Survey 7.5 Minute Topographic map	c: 1005 Iosim	An City
₩ U).S. G	eological Survey 7.5 Minute Historic quadrang	lec.	to City
₩ U	J.S. Ge	eological Survey 15 Minute Historic quadrangle	es.	
	SDA.	Natural Resources Conservation Service Soil S	Survey: 1976	Harris County
	aliona	al wetlands inventory maps: ocal wetland inventory maps:		
MA U U U U N S F I I A O A S S A A S A A A A A A A A A A A A	EMA/	FIRM maps (Map Name & Date): Digital Harr	ric Count	
10	uu-yea	ar Floodplain Elevation is: (NGVD)	is County	
A A	erial P	Photographs (Name & Date):		
	ther pl	hotographs (Date): Site Photographs		
A E	uvance ite vici	red Identification Wetland maps: it/determination conducted on:		
A A	pplical	ble/supporting case law:		
	ther in	nformation (please specify):		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC **FILE NUMBER:** D-17768 (Site 1)

PRO	State	JECT LOCATION INFORMATION: State: Texas County: Cameron	
	Cent Appr Nam	Center coordinates of site (latitude/longitude): 25-59-46/97-32-50 Approximate size of area (parcel) reviewed, including uplands: 0.5 acres. Name of nearest waterway: Resaca del Rancho Viejo Name of watershed: Resaca del Rancho Viejo	
JUF	RISD Com	ISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date: 15 November 2005 Date(s):	
	Juri	Jurisdictional Determination (JD):	
	\boxtimes	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \) United States" and/or "navigable waters of the United States" on the project (Reference 33 CFR part 331).	there appear to be no "waters of the site. A preliminary JD is not appealable
		Approved JD – An approved JD is an appealable action (Reference 33 CFR Check all that apply:	part 331).
		☐ There are "navigable waters of the United States" (as defined by 33 CFF the reviewed area. Approximate size of jurisdictional area:	R part 329 and associated guidance) within
		☐ There are "waters of the United States" (as defined by 33 CFR part 328 reviewed area. Approximate size of jurisdictional area: 0.5 acres.	and associated guidance) within the
		There are "isolated, non-navigable, intra-state waters or wetlands" with Decision supported by SWANCC/Migratory Bird Rule Jurisdiction.	nin the reviewed area. Information Sheet for Determination of No.
RA	SIS (SIS OF JURISDICTIONAL DETERMINATION:	
D . L	A		r are presently used, or have been used in
	B.	 B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States of the United States or foreign commerce, including all waters which are subject to the (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (in sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or destruction of which could affect interstate commerce including any such verification (i) which are or could be used by interstate or foreign travelers for rection (ii) from which fish or shellfish are or could be taken and sold in interstate (iii) which are or could be used for industrial purposes by industries in 	e ebb and flow of the tide. cluding intermittent streams), mudflats, r natural ponds, the use, degradation or vaters (check all that apply): reational or other purposes. state or foreign commerce.
		 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) − (4) above. (6) The presence of territorial seas. 	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Resaca del Rancho Viejo waters outfall into the Rancho Viejo Floodway and San Martin Lake.

FILE NUMBER: D-17768 (Site #1) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects
fine shell or debris deposits (foresher clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: HNTB Corporation dated 19 August 2005. **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated 19 Aug. 2005, prepared by (company): HNTB Corporation. Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: ☑ USDA Natural Resources Conservation Service Soil Survey: Cameron County, TX National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 2002 DOOO Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Other information (please specify): 1928 USDA Cameron County Soil Survey

Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC **FILE NUMBER:** D-17768 (Site 2)

St Co	ate: ounty:	Texas Cameron	FORMATION te (latitude/long		25-59-40/97-34-40
A _l Na	proximate	e size of are arest waterw	a (parcel) revie vay: Resaca de l Resaca de la P	wed, includin a Palma	ag uplands: 0.25 acres.
			RMINATION determination (s)		Date: 15 November 2005 Date(s):
Jı	ırisdiction	nal Determi	ination (JD):		
×	United	inary JD - B States" and ence 33 CFF	or "navigable"	ole information waters of the	n, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		ved JD – An all that appl		s an appealab	le action (Reference 33 CFR part 331).
	The	ere are "nav iewed area.	igable waters o Approximate s	f the United S size of jurisdi	States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
	☑ The review	ere are "wat ed area. Ap	ers of the Unite oproximate size	ed States" (as of jurisdictio	defined by 33 CFR part 328 and associated guidance) within the nal area: 0.25 acres.
	☐ The	ere are "iso	lated, non-navig Decision supp Jurisdiction.	gable, intra-s ported by SW	tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
RASIS	S OF JUR	ISDICTIO	NAL DETER!	MINATION:	
٨	. Water	s defined u	nder 33 CFR paters that are su	part 329 as " bject to the e	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in port interstate or foreign commerce.
B C	(1) The intersta	e presence of ate or foreign	of waters, which an commerce, in	n are currently ncluding all w	as "waters of the United States": y used, or were used in the past, or may be susceptible to use in vaters which are subject to the ebb and flow of the tide.
	(3) Th sandfladestruction (i	e presence of ats, wetland ction of white) which are (i) from which	of other waters is, sloughs, praid ich could affect or could be use the fish or shellf	such as intras rie potholes, interstate con d by interstat ish are or cou	interstate wetlands ¹ . tate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or mmerce including any such waters (check all that apply): e or foreign travelers for recreational or other purposes. ald be taken and sold in interstate or foreign commerce. rial purposes by industries in interstate commerce.
	(4) Im (5) Th	poundments ne presence o	s of waters othe of a tributary to of territorial sea	rwise defined a water ident	I as waters of the US. tified in (1) – (4) above. The waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Resaca de la Palma outfalls into the Brownsville Ship Channel.

2 **FILE NUMBER:** D-17768 (Site #2) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: HNTB Corporation dated 19 August 2005. Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated 19 Aug. 2005, prepared by (company): HNTB Corporation. Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Cameron County, TX National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 2002 DOQQ Other photographs (Date):

Other information (please specify): 1928 USDA Cameron County Soil Survey

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC **FILE NUMBER:** D-17768 (Site 3)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Cameron

Center coordinates of site (latitude/longitude):

25-59-19/97-34-43

Approximate size of area (parcel) reviewed, including uplands: 0.25 acres.

Name of nearest waterway: Resaca de la Palma Name of watershed: Resaca de la Palma

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 15 November 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [X] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.25 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) **FILE NUMBER:** D-17768 (Site #3) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: HNTB Corporation dated 19 August 2005. **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: ditch constructed out of upland area accoring to 1928 soil survey. Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated 19 Aug. 2005, prepared by (company): HNTB Corporation. Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Cameron County, TX National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 2002 DOQQ Other photographs (Date): Advanced Identification Wetland maps:

Other information (please specify): 1928 USDA Cameron County Soil Survey

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Site visit/determination conducted on: Applicable/supporting case law:

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC **FILE NUMBER:** D-17768 (Site 4)

PRO	Cour Cent App Nam		ding	27-57-45/97-35-01 uplands: 0.88 acres.
JUF		ICTIONAL DETERMINATION npleted: Desktop determination Site visit(s)		Date: 15 November 2005 Date(s):
	Juri	isdictional Determination (JD):		
	⊠	Preliminary JD - Based on available informa United States" and/or "navigable waters of the (Reference 33 CFR part 331).	tion, ne U	☑ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
		Approved JD – An approved JD is an appeal Check all that apply:	able	action (Reference 33 CFR part 331).
		There are "navigable waters of the Unite the reviewed area. Approximate size of juris	d Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.88.
		☐ There are "waters of the United States" reviewed area. Approximate size of jurisdict	(as d tiona	efined by 33 CFR part 328 and associated guidance) within the all area: 0.88.
		There are "isolated, non-navigable, intra Decision supported by S Jurisdiction.	a-sta WA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BA		OF JURISDICTIONAL DETERMINATIO		windle waters of the United States".
	A.	Waters defined under 33 CFR part 329 as The presence of waters that are subject to the the past, or may be susceptible for use to train	e ebb	and flow of the tide and/or are presently used, or have been used in
	B. ⊠	interstate or foreign commerce, including all (2) The presence of interstate waters including (3) The presence of other waters such as intransflats, wetlands, sloughs, prairie potholes destruction of which could affect interstate (i) which are or could be used by intersting (ii) from which fish or shellfish are or could be used by intersting (iii) from which fish or shellfish are or could be used by intersting (iii) from which fish or shellfish are or could be used by intersting (iii) from which fish or shellfish are or could be used by intersting (iii) from which fish or shellfish are or could be used by intersting (iii) from which fish or shellfish are or could be used by intersting (iii) from which fish or shellfish are or could be used by intersting (iii) from which fish or shellfish are or could be used by intersting (iii) from which fish or shellfish are or could be used by intersting (iii) from which fish or shell fish are or could be used by intersting (iii) from which fish or shell fish are or could be used by intersting (iii) from which fish or shell fish are or could be used by intersting (iiii) from which fish or shell fish are or could be used by intersting (iiii) from which fish or shell fish are or could be used by intersting (iiii) from which fish or shell fish are or could be used by intersting (iiii) from which fish or shell fish or s	ntly untly untly water and in the control of the control of the could be a co	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.
		(4) Impoundments of waters otherwise defin (5) The presence of a tributary to a water ide (6) The presence of territorial seas	ned a entifi	s waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Rio Grande outfalls into the Gulf of Mexico and borders Mexico and the United States.

I a	FILE NUMBER: D-17768 (Site #4)
La E	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: true Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
12	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: HNTB Corporation dated 19 August 2005.
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
Corporation Corpo	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated 19 Aug. 2005, prepared by (company): HNTB on. Data sheets prepared by the Corps. Corps' navigable waters' studies: September 1971 Galveston District List of Navigable Waters of the US U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville, TX J.S. Geological Survey 7.5 Minute Historic quadrangles: JSDA Natural Resources Conservation Service Soil Survey: Cameron County, TX National wetlands inventory maps: EMA/FIRM maps (Map Name & Date): 00-year Floodplain Elevation is: (NGVD) Nerial Photographs (Name & Date): 2002 DOQQ Other photographs (Date): divanced Identification Wetland maps: itie visit/determination conducted on: applicable/supporting case law: other information (please specify): 1928 USDA Cameron County Soil Survey

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

FILE I PROJI SI C C A	ate: ounty: enter coordi pproximate	ATION IN Texas Harris inates of si size of are	CESWG D-17615 IFORMATION: Ite (latitude/longitude (parcel) Vince Buffalo Bayou		Site A	29° 43' 07"N	I, 95° 13' 10	6"W	
			ERMINATION determination		Date: Date(s):	11/15/05			
Jı	ırisdictiona	ıl Determ	ination (JD):						
Ε	Prelimin United S	ary JD - B States" and	ased on available					to be no "waters of the ary JD is not appealable	
Σ		ed JD – Ar ll that appl	approved JD is an	appealabl	le action (Re	eference 33 CFR p	oart 331).		
			igable waters of th Approximate size				part 329 and ass	sociated guidance) withi	n
			ers of the United S proximate size of j			33 CFR part 328 a	and associated gu	uidance) within the	
	Ther	e are "isol	lated, non-navigab Decision support Jurisdiction.					rea. t for Determination of N	lo
BASIS A E	. Waters The pres	defined un ence of wa	NAL DETERMIN nder 33 CFR part aters that are subject susceptible for us	329 as "not to the electrical states are states as 329 as "not states"	b and flow	of the tide and/or	are presently use	ed, or have been used in	
B	(1) The printerstate	presence o e or foreig	nder 33 CFR part f waters, which are n commerce, inclu- f interstate waters	currently ding all wa	used, or we aters which	re used in the past are subject to the e	, or may be susc		
	(3) The part sandflats destruction (i) (ii) (iii) (iii)	presence of the control of which are of which are of which are of the control of	f other waters such s, sloughs, prairie p ch could affect inte or could be used by h fish or shellfish a or could be used f	as intrasta ootholes, we restate come interstate are or coult or industra	ate lakes, rivet meadows merce incluse or foreign t d be taken a ial purposes	vers, streams (inclus, playa lakes, or n ding any such wat ravelers for recrea and sold in intersta by industries in ir	atural ponds, the ters (check all the tional or other pate or foreign cor	ourposes. mmerce.	
	(5) The 1 (6) The 1	presence o presence o	of waters otherwis f a tributary to a w f territorial seas. f wetlands adjacen	ater identi	fied in (1) –	(4) above.	hose wetlands ac	djacent to other wetland	s.
								. If the jurisdictional downstream navigable	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

FILE N	UMBER:	D-17615				
Lateral	clear, natural the presence changes in th	tion: (Reference: 33 CFR parts 328 and ater Mark indicated by: I line impressed on the bank of litter and debris the character of soil for terrestrial vegetation	329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:			
	Mean High Water ☐ survey to availa	Mark indicated by: able datum; physical markings;	regetation lines/changes in vegetation types.			
			ineation map and/or in a delineation report prepared by:			
Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:						
U U U U U U U U U U U U U U U U U U U	This office conculon This office does the This office does the This office does to This office does the This office does to This office does to This office does the This office doe	ers' studies: ey Hydrologic Atlas: ey 7.5 Minute Topographic maps: Pasac ey 7.5 Minute Historic quadrangles: ey 15 Minute Historic quadrangles: rces Conservation Service Soil Survey: entory maps: hyentory maps: Map Name & Date): Elevation is: lame & Date): 1995 DOQQ CIR ate): on Wetland maps: n conducted on: case law:	plicant. ant. prepared by (company): lated _, prepared by (company):			

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23571(01)

DDOIFCTI	OCATION	INFORMATION:	

State:

Texas

County:

Chambers Center coordinates of site (latitude/longitude):

29.6999N; 94.91506W

Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Cedar Bayou Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 15 Nov 05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Ordinary High Water Mark indicated by: Category Ca	La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 329) FILE NUMBER: 23571(01)
the presence of litter and debris changes in the character of soil destruction of the character of the chara		e ordinary riigh water Mark indicated by:	High Tide Line indicated by
changes in the character of soil changes in the character sites changes in the characteristics changes in the characteristics changes chang		the presence of litter and debais	il oil or scum line along shore objects
chestruction of terrestrial vegetation chestrogram chestrial markings/characteristics chestrian chestria		changes in the character of soil	ine shell or debris deposits (foreshore)
shelving other:		destruction of terrestrial vegetation	physical markings/characteristics
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Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Morgans Point U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law			t, dated nrepared by (company):
Site visit/determination conducted on: Applicable/supporting case law		ata silects prepared by the Corns	, propuled by (company).
Site visit/determination conducted on: Applicable/supporting case law	U U	J.S. Geological Survey Hydrologic Attack	
Site visit/determination conducted on: Applicable/supporting case law	⊠ U	S. Geological Survey 7.5 Minute Topographic mans: M.	owenna Dali d
Site visit/determination conducted on: Applicable/supporting case law	U.	.b. Ocological Survey /.5 Minute Historic quadrangles.	organs Point
Site visit/determination conducted on: Applicable/supporting case law	U.	.5. Geological Survey 15 Minute Historic quadrangles	
Site visit/determination conducted on: Applicable/supporting case law	No.	SDA Natural Resources Conservation Service Soil Surve	·y:
Site visit/determination conducted on: Applicable/supporting case law	St	attorial wetlands inventory maps:	
Site visit/determination conducted on: Applicable/supporting case law	■ FE	EMA/FIRM maps (Map Name & Date)	
Site visit/determination conducted on: Applicable/supporting case law	10	00-year Floodplain Elevation is: (NGVD)	
Site visit/determination conducted on: Applicable/supporting case law	Ae	erial Photographs (Name & Date)	
Site visit/determination conducted on: Applicable/supporting case law	MA M	vanced Identification Wester	
Applicable/supporting case law:	Sit	te visit/determination conducted on:	
Other information (please specify):	■ Ap	oplicable/supporting case law.	
	Oth	her information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17939

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Calhoun Center coordinates of site (latitude/longitude):

UTM 15, 738537E, 3162920N

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Matagorda Bay

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 22 November 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Matagorda Bay is a navigable water of the U.S.

_	the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: D-17939 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
-	survey to available datum; physical markings; vegeta	ntion lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineati	on map and/or in a delineation report prepared by:
	2 Santa (explain).	CFR part 328.3(a)(3). ving waters present on the site are not Waters of the goons, pursuant to 33 CFR part 328.3. if the irrigation ceased. king dry land to collect and oses as stock watering, irrigation, settling basins, or amental bodies of water created imarily aesthetic reasons. construction activity and pits excavated in dry land for til the construction or excavation operation is ition of waters of the United States found at 33 CFR merce. sources Conservation Service. Explain rationale: and. Explain rationale:
Da Da Co U.S U.S U.S Volume Acri Adv Adv Adppi	aps, plans, plots or plat submitted by or on behalf of the applicant at a sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated price of the special price of the concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated that sheets prepared by the Corps. This office does not concur with the delineation report, dated that sheets prepared by the Corps. This office does not concur with the delineation report, dated that sheets prepared by the Corps. This office does not concur with the delineation report, dated that sheets prepared by the Corps. This office does not concur with the delineation report, dated that sheets prepared by the Corps. This office does not concur with the delineation report, dated that sheets prepared by the delineation report, dated that sheets prepared by the Corps. This office does not behalf of the applicant. This office does not behalf of the delineation report, dated that sheets prepared by the Corps. This office does not behalf of the applicant. This office does not behalf of the applicant. This office does not behalf of the delineation report, dated that sheets prepared by the Corps. This office does not behalf of the applicant. This office does not behalf of the applic	t. repared by (company): , prepared by (company):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFI	CE:	CESWG						
	UMBER:	TION IN	I-5040 FORMATION:						
Sta		Texas	FORMATION:						
	inty:	Montgor	nerv						
	•	_	te (latitude/longitu	de):	30° 10	6' 17"N, 95° 30' 24"W			
			a (parcel) 52 acres						
		ershed: Sa							
			RMINATION						
Co	mpleted:	-	determination	⊠ ⊠	Date:	11/18/05			
		Site visit	(s)	\boxtimes	Date(s):	11/24/04			
Jur	isdictiona	ıl Determi	ination (JD):						
П			, ,	nformatio	n 🗆 thara	e appear to be (or) there appear to be no "waters of the			
	United S	tates" and				tes" on the project site. A preliminary JD is not appealable			
			•						
Ø		d JD - An l that appl		appealabl	le action (R	Reference 33 CFR part 331).			
	Thor	a ara "nov	igable waters of th	e United S	tates" (as d	defined by 33 CFR part 329 and associated guidance) within			
	the revie	wed area.	Approximate size	of jurisdic	ctional area	a:			
	There	<i>are</i> "wate l area. Ap	ers of the United S proximate size of j	tates" (as urisdiction	defined by	y 33 CFR part 328 and associated guidance) within the			
	-			_					
	There	e are "isol				or wetlands" within the reviewed area. gratory Bird Rule Information Sheet for Determination of No			
			NAL DETERMIN						
						waters of the United States":			
ш						of the tide and/or are presently used, or have been used in the or foreign commerce.			
В.	Waters	defined w	nder 33 CFR nart	328.3(a)	as "waters	s of the United States":			
						were used in the past, or may be susceptible to use in			
						are subject to the ebb and flow of the tide.			
			f interstate waters i						
						ivers, streams (including intermittent streams), mudflats,			
						vs, playa lakes, or natural ponds, the use, degradation or			
						uding any such waters (check all that apply):			
						travelers for recreational or other purposes.			
						and sold in interstate or foreign commerce. s by industries in interstate commerce.			
			of waters otherwis						
Ħ			f a tributary to a wa						
ā			f territorial seas.		(*)	()			
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.								

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are immediately adjacent to Lake Creek which flows into the San Jacinto River, a navigable water of the United States.

FILE NUMBER:	I-5040
☐ clear, i	risdiction: (Refeigh Water Mark in matural line impro

Latera	Orc	tent of Jurisdiction: (Reference: 33 CFR parts 328 and 3 redinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	29)	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
		an High Water Mark indicated by: survey to available datum; physical markings; ve	geta	ation lines/changes in vegetation types.
ഠ	Wet	tland boundaries, as shown on the attached wetland delin	eatio	on map and/or in a delineation report prepared by:
	Unat Head	reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 328 dquarters declined to approve jurisdiction on the basis of Corps has made a case-specific determination that the fo ted States: Waste treatment systems, including treatment ponds of Artificially irrigated areas, which would revert to upla Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such price growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the d 328.3(a). Isolated, intrastate wetland with no nexus to interstate of Prior converted cropland, as determined by the Natural Non-tidal drainage or irrigation ditches excavated on difference of the converted control of the control of the converted control of the converted control of the co	33 (llow pr lagand i lor dil ourpo orna pri to c ll unt efini	CFR part 328.3(a)(3). ving waters present on the site are not Waters of the goons, pursuant to 33 CFR part 328.3. if the irrigation ceased. iking dry land to collect and oses as stock watering, irrigation, settling basins, or amental bodies of water created imarily aesthetic reasons. construction activity and pits excavated in dry land for til the construction or excavation operation is ition of waters of the United States found at 33 CFR amerce.
D. C.	Data should be a s	WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the applicant heets prepared/submitted by or on behalf of the applicant his office concurs with the delineation report, dated, provided does not concur with the delineation report, dated, provided does not concur with the delineation report, dated, provided does not concur with the delineation report, dated, provided does not concur with the delineation report, dated, provided does not concur with the delineation report, dated, provided does not concur with the delineation report, dated, provided does not concur with the delineation report, dated, provided date in ventory maps: Cowl Sproparable cological Survey Hydrological Atlas: ecological Survey Hydrological Atlas: ecological Survey 15 Minute Historic quadrangles: Natural Resources Conservation Service Soil Survey: More delineation in ventory maps: Cowl Spur, 1999 ocal wetland inventory maps: Cowl Spur, 1999 ocal wetland inventory maps: Provided delevation is: Photographs (Map Name & Date): 48339C0370 For Introduction is: Photographs (Name & Date): 1995 DOQQ CIR hotographs (Date): Site Photos and Identification Wetland maps: Photographs (Date): Site Photos and Identification Wetland maps: Photographs (Date): Site Photos and Introducted on: 11/24/04 oble/supporting case law: formation (please specify): Consultant's information	repared _,	t. red by (company): , prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-17769

PRO	State Cour Cent Appr Nam		including	26-12-56.85 97-29-18.73 uplands: approx. 30.27 acres.			
JUR		ICTIONAL DETERMINATION upleted: Desktop determination Site visit(s)	\boxtimes	Date: 28 November 2005 Date(s):			
	Juri	sdictional Determination (JD):					
		Preliminary ID - Based on available in	formation rs of the U	, ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable			
	\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
		There are "waters of the United Streviewed area. Approximate size of ju	ates" (as our instruction	defined by 33 CFR part 328 and associated guidance) within the al area:			
		There are "isolated, non-navigable Decision supporte Jurisdiction.	e, <i>intra-sta</i> d by SW <i>A</i>	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No			
BA		OF JURISDICTIONAL DETERMIN Waters defined under 33 CFR part The presence of waters that are subject the past, or may be susceptible for use	329 as "n t to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.			
	B.	interstate or foreign commerce, include (2) The presence of interstate waters it (3) The presence of other waters such sandflats, wetlands, sloughs, prairie presence of which could affect inte (i) which are or could be used by (ii) from which fish or shellfish at (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a waters.	currently ling all wa ncluding i as intrasta otholes, w restate com interstate are or coul or industri de defined	used, or were used in the past, or may be susceptible to use in the subject to the ebb and flow of the tide. Interstate wetlands ¹ . The lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. In the details of the taken and sold in interstate or foreign commerce. The latest are used to use in the susceptible to use i			
		(6) The presence of territorial seas.(7) The presence of wetlands adjacen	t ² to other	waters of the US, except for those wetlands adjacent to other wetlands			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	ateral E	Extent of Jurisdiction: (Reference: 33 CFR parts	220 and 22	10)		FILE NUMBER:	D-17769
		nary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		ligh	Tide Line indicate oil or scum line al fine shell or debri physical markings tidal gages other:	long shore objects s deposits (foreshore)	
E	Mean □ su	n High Water Mark indicated by: urvey to available datum; physical markings;	☐ vegetatio	on 1	lines/changes in ve	getation types.	
	Wetla	and boundaries, as shown on the attached wetland	l delineation	n ma	ap and/or in a delir	neation report prepared	by:
Ba	The re Unable Heado The C	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR pa quarters declined to approve jurisdiction on the ba Corps has made a case-specific determination that ed States: Waste treatment systems, including treatment p Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain w Water-filled depressions created in dry land inc the purpose of obtaining fill, sand, or gravel unl abandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to inte Prior converted cropland, as determined by the 1 Non-tidal drainage or irrigation ditches excavate Other (explain):	the following the following to upland if g and/or dike such purports small ornativater for principle and until the definition of the following the followi	oon f the king oses mer mar onst il thition mer sour	part 328.3(a)(3). waters present on t as, pursuant to 33 C irrigation ceased. dry land to collect as stock watering, intal bodies of wate rily aesthetic reason fruction activity an ne construction or e n of waters of the U ce. ces Conservation S	EFR part 328.3. and irrigation, settling basis r created ns. d pits excavated in dry excavation operation is Juited States found at 3	ins, or land for 33 CFR
	Data sl Th Data sl Corps' U.S. Go U.S.	plans, plots or plat submitted by or on behalf of the applans, plots or plat submitted by or on behalf of the applans, plots or plat submitted by or on behalf of the applans office concurs with the delineation report, date his office does not concur with the delineation reports office does not concur with the delineation reports of the concurs of the corps. In a substitute of the corps. In a substi	he applicant oplicant. ed , pr ort, dated Laguna Ata: s: :	t. repa iscos	red by (company): , prepared by (co	mpany):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: 08620(07) PROJECT LOCATION INFORMATION: State: Texas Cameron County: Center coordinates of site (latitude/longitude): 25 57 46.3361; 97 22 12.3057 Approximate size of area (parcel) reviewed, including uplands: <u>25</u> acres. Name of nearest waterway: Brownsville Ship Channel Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION Date: 28 November 2005 Completed: Desktop determination \boxtimes Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.25 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>acre.</u> There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal waters of the Brownsville Ship Channel.

FILE NUMBER: 08620(07)

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: hydrophytic vegetation
⊠	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Palmito Hill, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. According Survey 15 Minute Historic quadrangles: U.S. According Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17231

PR	O.JE.C.1	Γ LOC A	TION	INFOR	MATION	•

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Lat: 29-12-47.1559 N

Long: 94-55-39.9477 W

Approximate size of area (parcel) reviewed, including uplands: 1.94 acres.

Name of nearest waterway: Eckert Bayou West Galveston Bay Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 28 November 2005 Date(s): 4 August 2005

Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.12 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetland has a direct hydrologic surface connection to West Galveston Bay, a navigable water of the United States subject to the daily tide. The wetlands are adjacent and are a water of the United States.

L	ateral F	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	200	FILE NUMBER: D-1/23
4	Ordi			
liii		aloon noticed line in a land to the	Hig	h Tide Line indicated by:
		clear, natural line impressed on the bank	╚	oil or scum line along shore objects
	님	the presence of litter and debris		fine shell or debris deposits (foreshore)
	\sqcup	changes in the character of soil		physical markings/characteristics
	Ш	destruction of terrestrial vegetation	\Box	tidal gages
		shelving	Ħ	other:
		other:		outer.
	_			
*	Mear	High Water Mark indicated by:		
	☐ sı	urvey to available datum; 🔲 physical markings; 🔲 vege	tation	lines/changes in vegetation types
E-3				
×	Wetla	and boundaries, as shown on the attached wetland delinea	tion n	nap and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction:		
<u> </u>	Unch	eviewed area consists entirely of uplands.		
) S	Unau	le to confirm the presence of waters in 33 CFR part 328(a)(1, 2,	, or 4-7).
36		quarters declined to approve jurisdiction on the basis of 3	3 CFR	R part 328.3(a)(3).
	I ne C	Corps has made a case-specific determination that the follow d States:	owing	waters present on the site are not Waters of the
		1 11 = 1	,	
	ă	Waste treatment systems, including treatment ponds or	lagoo	ns, pursuant to 33 CFR part 328.3.
	Ħ	Artificially irrigated areas, which would revert to uplan	a if th	e irrigation ceased.
		Artificial lakes and ponds created by excavating and/or	diking	g dry land to collect and
		retain water and which are used exclusively for such purice growing.	rposes	s as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other small o		omtal hading a Count
		by excavating and/or diking dry land to retain water for	name	citial bodies of water created
		Water-filled depressions created in dry land incidental	prima	arily aesthetic reasons.
	_	Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and		struction activity and pits excavated in dry land for
		abandoned and the resulting body of water meets the de	umm t	ne construction or excavation operation is
		abandoned and the resulting body of water meets the de 328.3(a).	iinitio	on of waters of the United States found at 33 CFR
	П	Isolated, intrastate wetland with no nexus to interstate co		
		Prior converted cropland, as determined by the Natural	2000	erce.
	_	the real state of the real sta	XCS0u	ices Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dr	/ land	. Explain rationale:
		Other (explain):		
D 4 (D 4 T				
DATAF	EVIE	WED FOR JURSIDICTIONAL DETERMINATION (mark	all that apply):
	maps,	plans, plots or plat submitted by or on behalf of the applications.	cant.	•••
3	Data si	heets prepared/submitted by or on behalf of the applicant.		
	∐ Th	his office concurs with the delineation report, dated	, prep	pared by (company):
	∐ Th	his office does not concur with the delineation report, date	ď	, prepared by (company):
\boxtimes	Data si	neets prepared by the Corps.		, proposed by (company).
	Corps'	navigable waters' studies:		
腐	U.S. G	eological Survey Hydrologic Atlas:		
\boxtimes	U.S. G	eological Survey 7.5 Minute Topographic maps: Lake Co	mo T	ex Photorevised 1074
A	U.S. G	eological Survey 7.5 Minute Historic quadrangles:	, 1	ex. Thotorevised 1974
	U.S. G	eological Survey 15 Minute Historic quadrangles:		
和	USDA	Natural Resources Conservation Service Soil Survey: Ga	lvesto	an County
N	Nationa	al wetlands inventory maps:	ivesto	on County
1981	State/I.	ocal wetland inventory maps:		
權	FEMA	/FIRM maps (Map Name & Date):		
	100-yea	ar Floodplain Elevation is: (NGVD)		
図	Aerial l	Photographs (Name & Date): Infrared Aerial		
	Other n	photographs (Date):		
		ced Identification Wetland maps:		
図	Site vis	it/determination conducted on: 4 August 2005		
	Applica	able/supporting case law:		
	Other in	nformation (please specify):		
		·· (F		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23999

PRO	Cou Cent App Nam	e: T nty: C ter coordina roximate siz	Texas Chambers Ites of site Ites of area Ites waterwa	y: Trinity Ba	ngitude): ewed, includi	ing uplands:	° 40; 36.06"N; acres.	Longitude 94	I° 49' 35.87" W	,
JUR		npleted: I		EMINATION etermination	-	Date: 28 No Date(s):	ovember 2005			
	Juri	isdictional l	Determin	ation (JD):						
		Preliminary United State (Reference	tes" and/c	r "navigable	ble informati waters of the	on, [] there apple United States"	pear to be (or) on the project	there app	pear to be no "w minary JD is no	vaters of the ot appealable
	Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:								
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
		There of]	<i>ted, non-nav</i> Decision sup Jurisdiction.	<i>igable, intra-</i> , ported by SW	state waters or	wetlands" with ory Bird Rule	nin the review Information S	ed area. Sheet for Determ	nination of No
RAS	SIS (OF JURISD	ICTION	AL DETER	MINATION	í :				
	A.	Waters de The presen	efined und	der 33 CFR ers that are s	part 329 as " ubject to the o	'navigable waterbb and flow of sport interstate of	the tide and/or	r are presently	used, or have	been used in
	B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.								
		(3) The prosandflats, videstruction (i) wh (ii) from (iii) wh. (4) Impour	esence of wetlands, of which are or om which which are or onder the condition of the condit	other waters sloughs, prain could affect could be use fish or shell or could be use fisher could be use the could be used.	such as intrasirie potholes, t interstate coed by interstat fish are or coused for industrial	wet meadows, p mmerce includi te or foreign tra uld be taken and trial purposes by d as waters of the tified in (1) – (4)	rs, streams (inc playa lakes, or ing any such w velers for recre d sold in inters y industries in the US.	natural ponds vaters (check a eational or oth tate or foreign	s, the use, degra all that apply): her purposes. h commerce.	, mudflats, idation or
	B	(6) The pro	esence of	territorial se	as.	er waters of the		those wetlan	ds adjacent to o	other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

1.

FILE NUMBER: 23999

Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction:
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill sand or gravel unless to construction activity and pits excavated in dry land for
In reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or irigation reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill sand or gravel unless and construction activity and pits excavated in dry land for
Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-07-037

PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): Latitude 30.0269° N; Longitude 95.6519° W

Approximate size of area (parcel) reviewed, including uplands: 40 acres.

Name of nearest waterway: Faulkey Gully Name of watershed: Cypress Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 28 November 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \) \(\subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La D	teral Extent of Jurisdiction: (Reference: 33 CFR pa Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	rts 328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings	; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland	nd delineation map and/or in a delineation report prepared by:
DATA REV Da Da Co U.S U.S U.S Aeri Othe Adv	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR in Headquarters declined to approve jurisdiction on the leadquarters declined to access the security of the leadquarters declined to a case-specific determination that United States: Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel un abandoned and the resulting body of water mee 328.3(a). Isolated, intrastate wetland with no nexus to interpreted to the purpose of obtaining fill, sand, or gravel un abandoned and the resulting body of water mee 328.3(a). Isolated, intrastate wetland with no nexus to interpreted to converted cropland, as determined by the Prior converted cropland, as determined by the Prior converted cropland, as determined by the Trior converted cropland, as determined by the Interpreted by the Corps. This office does not concur with the delineation report, date as sheets prepared/submitted by or on behalf of the appropriate as sheets prepared by the Corps. This office does not concur with the delineation report, date as sheets prepared by the Corps. This office does not concur with the delineation report, date as sheets prepared by the Corps. This office does not concur with the delineation report, date as sheets prepared by the Corps. This office does not concur with the delineation report, date as sheets prepared by the Corps. This office does not concur with the delineation report, date	part 328(a)(1, 2, or 4-7). pasis of 33 CFR part 328.3(a)(3). In the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. It ag and/or diking dry land to collect and resuch purposes as stock watering, irrigation, settling basins, or a small ornamental bodies of water created water for primarily aesthetic reasons. In it is a small ornamental bodies of water created water for primarily aesthetic reasons. It is a small ornamental bodies of water created in dry land for less and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR erstate commerce. Natural Resources Conservation Service. Explain rationale: TION (mark all that apply): the applicant. TION (mark all that apply): the applicant. or, prepared by (company): Ort, dated , prepared by (company): Rose Hill, Texas
Adv Site App	er photographs (Date):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23567(01)

PROJECT	LOCATION	INFORMATION:
State:	Texas	

County: Galveston

Center coordinates of site (latitude/longitude): Latitude 29.4557N; Longitude 95.0622 W

Approximate size of area (parcel) reviewed, including uplands: 45 acres.

Name of nearest waterway: Dickinson Bayou Name of watershed: Dickinson Bayou

JURISDICTIONAL DETERMINATION

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 32	FILE NUMBER: 23567(01)
	Ordinary High Water Mark indicated by:	28 and 329)
	☐ clear, natural line impressed on the bank	High Tide Line indicated by:
	the presence of litter and debris	oil or scum line along shore objects fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	tidal gages
	☐ shelving ☐ other:	other:
	other.	
	survey to available datum; physical markings;	vegetation lines/changes in vegetation to
	Wetland boundaries, as shown on the attached wetland do	elineation map and/or in a delineation report prepared by:
	Headquarters declined to approve jurisdiction on the basis The Corps has made a case-specific determination that the United States: Waste treatment systems, including treatment pone Artificially irrigated areas, which would revert to a Artificial lakes and ponds created by excavating ar retain water and which are used exclusively for suc rice growing. Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incider the purpose of obtaining fill, sand, or gravel unless	ds of 33 CFR part 328.3(a)(3). c following waters present on the site are not Waters of the ds or lagoons, pursuant to 33 CFR part 328.3. upland if the irrigation ceased. ad/or diking dry land to collect and ch purposes as stock watering, irrigation, settling basins, or wall or part of the diagram of t
İ	Isolated, intrastate wetland with no nexus to interest	nta commercia
	Thor converted cropland, as determined by the Nat	ural Resources Conservation Service. Explain rationale:
((Non-tidal drainage or irrigation ditches excavated on Other (explain):	n dry land. Explain rationale:
D D D D D D D D D D D D D D D D D D D	EVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applic Data sheets prepared/submitted by or on behalf of the applic This office concurs with the delineation report, dated This office does not concur with the delineation report, Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: Dick J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 16 Minute Historic quadrangles: J.S. Geological Survey 17 Minute Historic quadrangles: J.S. Geological Survey 18 Minute Historic quadrangles: J.S. Geological Survey 19 Minute Historic quadrangles: J.	pplicant. cant. , prepared by (company): dated , prepared by (company): cinson, Texas
Oti	ther information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

FILE N PROJE Sta Coo Cer App Nea	CT OFFICE: CESWG UMBER: D-17443 CT LOCATION INFORMATION: te: Texas inty: Harris inter coordinates of site (latitude/longitude): Site 30° 00' 05"N, 95° 47' 10"W proximate size of area (parcel) 523-acres irrest Waterway: Cypress Creek irre of watershed: Spring Creek
	DICTIONAL DETERMINATION mpleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:1.48-ac
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	 (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	 (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands
Ra	ationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional steer or welland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are adjacent based on floodplain and headwater stream that flows into Cypress Creek, Spring Creek and San Jacinto River, a navigable water of the US.

FILE NUMBER:	D-17443		
clear, n the pres changes	risdiction: (Reference: 33 CFR parts 32 gh Water Mark indicated by: natural line impressed on the bank sence of litter and debris s in the character of soil tion of terrestrial vegetation g	28 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:)
Mean High W □ survey to	Vater Mark indicated by: available datum;	s; vegetation lines/changes in vegetation types.	
Wetland bour SWCA	ndaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepare	d by:
The reviewed Unable to cont Headquarters of The Corps has United States: Waste : Artifici retain v rice gro Artifici by exca Water-f the purp abandor 328.3(a) Isolated Prior co	treatment systems, including treatment ially irrigated areas, which would revertial lakes and ponds created by excavating attention and which are used exclusively following. all reflecting or swimming pools or other area of the example of the ex	basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not Waters promoted by the following waters present on the site are not Waters promoted by the following waters present on the site are not Waters promoted by promoted by the following present of the upland if the irrigation ceased. In gand/or diking dry land to collect and presuch purposes as stock watering, irrigation, settling bases are small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry pulses and until the construction or excavation operation is ets the definition of waters of the United States found at the states of the United States found at the sta	ins, or land for 33 CFR
Data sheets prep This office of This office of This office of This office of Data sheets prepared to the Data shee	ared by the Corps. waters' studies: Survey Hydrologic Atlas: Survey 7.5 Minute Topographic maps: Survey 7.5 Minute Historic quadrangle: Survey 15 Minute Historic quadrangles esources Conservation Service Soil Sur is inventory maps: Ind inventory maps: Ins (Map Name & Date): Texas map par Ins (Name & Date): 1995 DOQQ CIR, Ins (Date): Ins (Date): Instantion Conducted on: 8/11/05 Inting case law:	the applicant. applicant. ed _Oct 19, 2005 _, prepared by (company): SWCA port, dated _June 28, 2005 , prepared by (company): SV Hockley s: crey: Harris County Soil Survey anels #0195 and #0385, Nov 6, 1996	WCA

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston 24016 **FILE NUMBER:** PROJECT LOCATION INFORMATION: Texas State: Cameron County: Center coordinates of site (latitude/longitude): 26 04 48.0656; 97 13 13.3803 Approximate size of area (parcel) reviewed, including uplands: 1 acre. Name of nearest waterway: Laguna Madre Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION \boxtimes Date: 29 November 2005 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.113 acre. ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>acre</u>. ☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Channel receives tidal waters from the Laguna Madre.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 24016

La	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: hydrophytic vegetation Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:			
Ø	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.			
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:			
Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:				
I	Agas, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Data sheets prepared by (company): Data sheets prepared by (company			

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston SWG 05-06-011 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: County: Cameron Center coordinates of site (latitude/longitude): 26 20 1.1240; 98 43 46.0067 Approximate size of area (parcel) reviewed, including uplands: 10,240 acres. Name of nearest waterway: Rio Grande Name of watershed: Los Olmos JURISDICTIONAL DETERMINATION Date: 29 November 2005 **Completed:** Desktop determination Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 100 acres. ☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 210 acres. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. \square (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Portions of the Rio Grande and adjacent water bodies are included in project area.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG 05-06-011

La ⊠	Cordinary High Water Mark indicated by:			
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.			
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:			
Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:				
I	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply: Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Data sheets prepared by (company): Data			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17851

PROJECT LOCATION INFORMATION:

State:

TX

County:

Hidalgo

Center coordinates of site (latitude/longitude):

N26 22' 24.1978", W97 58' 27.0908"

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Irrigation Ditch Name of watershed: Rio Grande River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 29 November 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the or the content of the co United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands † .
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

Later.	al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:			
Ø M □	ean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types.			
≥ W	etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:			
Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR lasolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:				
Data s T Data s Corps U.S. O U.S. O U.S. O USDA Nation State/I FEMA 100-ye Advanc Site vis Applica	WED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): , plans, plots or plat submitted by or on behalf of the applicant. shis office concurs with the delineation report, dated , prepared by (company): his office does not concur with the delineation report, dated , prepared by (company): sheets prepared by the Corps. 'navigable waters' studies: seological Survey Hydrologic Atlas: seological Survey 7.5 Minute Topographic maps: Edcouch Quad seological Survey 7.5 Minute Historic quadrangles: seological Survey 15 Minute Historic quadrangles: Natural Resources Conservation Service Soil Survey: Hidalgo County al wetlands inventory maps: Edcouch oucal wetland inventory maps: /FIRM maps (Map Name & Date): ar Floodplain Elevation is: (NGVD) Photographs (Name & Date): TNRIS 1995 shotographs (Date): sed Identification Wetland maps: it/determination conducted on: tible/supporting case law: information (please specify):			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17852

P	Co Co A _j	ounty: The continuate opproximate size	idalgo es of site (latitude/longitud e of area (parcel) reviewed, waterway: Irrigation Ditch	e): including	N26 22' 22.0421", W97 58' 12.0634" g uplands: I acres.	
JŲ	JRIS Co	ompleted: De	DETERMINATION esktop determination te visit(s)	×	Date: 29 November 2005 Date(s):	
	Ju	risdictional De	etermination (JD):			
		Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
	\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
		There are	"isolated, non-navigable, Decision supported I Jurisdiction.	intra-state by SWAN	waters or wetlands" within the reviewed area. CC/Migratory Bird Rule Information Sheet for Determination of No	
BAS	Α.	Waters define The presence of	or waters that are subject to	9 as "navi	igable waters of the United States": nd flow of the tide and/or are presently used, or have been used in interstate or foreign commerce.	
		Waters define (1) The present (2) The present (3) The present sandflats, wetlat destruction of v (i) which at (ii) from w (iii) which (4) Impoundme (5) The present (6) The present (7) The present	ed under 33 CFR part 328 ce of waters, which are curreign commerce, including ce of interstate waters included of other waters such as ands, sloughs, prairie pothowhich could affect interstate are or could be used by interstate or could be used for interstate of waters otherwise dece of a tributary to a water see of territorial seas.	a.3(a) as "rently use all waters adding interntrastate I bles, wet me commer erstate or for could be dustrial prined as we dentified other waters.	d, or were used in the past, or may be susceptible to use in swhich are subject to the ebb and flow of the tide. It is which are subject to the ebb and flow of the tide. It is which are subject to the ebb and flow of the tide. It is which are subject to the ebb and flow of the tide. It is which are subject to the ebb and flow of the tide. It is which are subject to the ebb and flow of the tide. It is which are subject to the ebb and flow of the tide. It is which are subject to the use, degradation or or including any such waters (check all that apply): or including any such waters (check all that apply): or including any such waters (check all that apply): or including any such waters (or or o	
	Rationale for the Basis of Jurisdictional Detarmination ()					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

D-17852

Later C C C C	Tal Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Thigh Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:		
■ M	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.		
	Vetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:		
	Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 180 Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):		
DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Edcouch Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Hidalgo County National wetlands inventory maps: Edcouch State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):			

2

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17853

St Co Co Aj Na	ate: TX bunty: Hidalgo enter coordinates of site (latitude/longicoproximate size of area (parcel) review ame of nearest waterway: Irrigation Di ame of watershed: Rio Grande Riv	tude): /ed, includin tch	N26 12' 44.0634", W97 54' 37.7273" g uplands: 1 acres.
JURIS Co	DICTIONAL DETERMINATION ompleted: Desktop determination Site visit(s)	×	Date: 29 November 2005 Date(s):
Ju	risdictional Determination (JD):		
2	Preliminary JD - Based on available	information iters of the U	there appear to be (or) there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
☒	Approved JD – An approved JD is a Check all that apply:	n appealable	action (Reference 33 CFR part 331).
	There are "navigable waters of the reviewed area. Approximate size	ne United St e of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are "waters of the United reviewed area. Approximate size of	States" (as o	efined by 33 CFR part 328 and associated guidance) within the al area:
	There are "isolated, non-navigated Decision support Jurisdiction.	ole, intra-sta ted by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
Α.	OF JURISDICTIONAL DETERMIN Waters defined under 33 CFR par The presence of waters that are subjet the past, or may be susceptible for us	t 329 as "na	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.
	(2) The presence of interstate waters (3) The presence of other waters such sandflats, wetlands, sloughs, prairie presenction of which could affect interstruction of which could be used by (ii) from which fish or shellfish a (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a work (6) The presence of territorial seas	ding all water including into as intrastate totholes, weterstate common interstate common interstate of could for industrial the defined as after identifie	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. Le lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): To foreign travelers for recreational or other purposes. The taken and sold in interstate or foreign commerce. Purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

2

La	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
23	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
£18	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Apply: Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: Mercedes Quad J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17854

PR		CCT LOCATION INFORMATION:
		tte: TX
		unty: Hidalgo
	Ce	nter coordinates of site (latitude/longitude): N26 22' 22.1373", W97 58' 11.7378"
	Ap	proximate size of area (parcel) reviewed, including uplands: 1 acres
	Na	me of nearest waterway: Irrigation Ditch
	Na	me of watershed: Rio Grande River
TTI	DICI	DICTIONAL DETERMINATION
30	Co	
	Cu	
		Site visit(s) Date(s):
	Jur	risdictional Determination (JD):
	2.5	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable vectors of the United States" and/or "navigable vectors of the United States".
		United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
		☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
RAS	SIS C	OF JURISDICTIONAL DETERMINATION:
D/10	A.	Waters defined under 33 CED next 220 as were in the same and a sam
	Ö	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be guesceptible for
	_	the past, or may be susceptible for use to transport interstate or foreign commerce.
		interstate of foreign commerce.
	B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	-18 ⁵	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
		interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide
	.ep-	(2) The presence of interstate waters including interstate wetlands
		(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflets
		saliditats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
		destruction of which could affect interstate commerce including any such waters (check all that apply).
		(1) which are or could be used by interstate or foreign travelers for recreational or other purposes
		(11) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce
		(III) which are or could be used for industrial purposes by industries in interstate commerce
	10 0	(4) Impoundments of waters otherwise defined as waters of the US.
		(5) The presence of a tributary to a water identified in (1) – (4) above.
		(6) The presence of territorial seas. (7) The presence of wetlands adjacent ² to other vectors of the LIS.
	ك	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Later C	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 a Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	Ind 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
□ M	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ ve	getation lines/changes in vegetation types.
	Vetland boundaries, as shown on the attached wetland delir	
	retain water and which are used exclusively for such rice growing. Artificial reflecting or swimming pools or other smal by excavating and/or diking dry land to retain water f Water-filled depressions created in dry land incidenta the purpose of obtaining fill, sand, or gravel unless ar abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natural Non-tidal drainage or irrigation ditches excavated on Other (explain):	and if the irrigation ceased. or diking dry land to collect and purposes as stock watering, irrigation, settling basins, or ornamental bodies of water created or primarily aesthetic reasons. I to construction activity and pits excavated in dry land for d until the construction or excavation operation is definition of waters of the United States found at 33 CFR commerce. Il Resources Conservation Service. Explain rationale:
Dat Dat Cor U.S U.S U.S V.S V.S Acri Adv App	AIEWED FOR JURSIDICTIONAL DETERMINATION aps, plans, plots or plat submitted by or on behalf of the applicant a sheets prepared/submitted by or on behalf of the applicant a sheets prepared/submitted by or on behalf of the applicant This office concurs with the delineation report, dated This office does not concur with the delineation report, dated as sheets prepared by the Corps. This office does not concur with the delineation report, dated to the concurrence of t	licant. nt. , prepared by (company): ted , prepared by (company): ch Quad

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 24012

	NOWBER. 24012		
S C A N	JECT LOCATION INFORMATION: State: Texas County: Calhoun Center coordinates of site (latitude/longitude): Latitude 28° 26' 27"; Longitude 96° 44' 36" Approximate size of area (parcel) reviewed, including uplands: 474 acres. Jame of nearest waterway: Victoria Barge Canal in Guadalupe Bay Jame of watershed: East San Antonio Bay Huc: 12100403		
JURIS C	SDICTIONAL DETERMINATION Completed: Desktop determination		
Jı	urisdictional Determination (ID)		
	Jurisdictional Determination (JD): Preliminary JD - Based on available information, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).		
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:		
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:		
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:		
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No. Jurisdiction.		
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.		
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.		

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) FILE NUMBER: 24012 Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Seadrift, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 Seadrift DOQQ Other photographs (Date):

Other information (please specify): Wetland Delineation submitted for Compliance Section Verification.

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17934

PROJECT LOCATION INFORMATION:

State:

TEXAS

County: **GALVESTON**

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, E 321546, N 3240883

Approximate size of area (parcel) reviewed, including uplands: 0.03 acres.

Name of nearest waterway: OFFATS BAYOU

Name of watershed: 12040203

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 11/29/05

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\begin{aligned} \text{there appear to be (or)} \equiv \text{there appear to be no "waters of the details are appear to be no "waters of the detai United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (6) The presence of territorial seas.
 (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: D-17934 A light Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: AS STATED BY APPLICANT
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ wetland bounds:	vegetation lines/changes in vegetation types.
 !	Wetland boundaries, as shown on the attached wetland del	lineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 32 Headquarters declined to approve jurisdiction on the basis of the Corps has made a case-specific determination that the substance of the Corps has made a case-specific determination that the substance of the Corps has made a case-specific determination that the substance of the Corps has made a case-specific determination that the substance of the Corps has made a case-specific determination that the substance of the Corps has made a case-specific determination that the substance of the Corps has made a case-specific determination that the substance of the case-specific determination on the basis of the Corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination on the basis of the corps has made a case-specific determination that the same has made a case-specific determination that the same has made a case-specific determination that the same has a case-specific determination that the same has a	28(a)(1, 2, or 4-7). of 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the s or lagoons, pursuant to 33 CFR part 328.3. pland if the irrigation ceased. d/or diking dry land to collect and h purposes as stock watering, irrigation, settling basins, or all ornamental bodies of water created for primarily aesthetic reasons. tal to construction activity and pits excavated in dry land for and until the construction or excavation operation is e definition of waters of the United States found at 33 CFR the commerce. Tal Resources Conservation Service, Explain retionals.
DATA REV Ma Dat Dat Cor U.S U.S. U.S. U.S. V.S. V.S. V.S. V.S.	TIEWED FOR JURSIDICTIONAL DETERMINATION aps, plans, plots or plat submitted by or on behalf of the applican tas sheets prepared/submitted by or on behalf of the applican This office concurs with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not conclude Historic quadrangles: Office Geological Survey 15 Minute Historic quadrangles: Office Geological Survey 15 Minute Historic quadrangles: Office Natural Resources Conservation Service Soil Survey: Office Natural Resources C	N (mark all that apply): olicant. nt. , prepared by (company): tted , prepared by (company):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESWG

FILE	NUM	BER:	1439	2(05)/1987

PROJECT LOCATION INFORMATION: State: **TEXAS** County: **CALHOUN** Center coordinates of site (latitude/longitude): UTM (NAD 27): Z 14, E 737000, N 3164250 Approximate size of area (parcel) reviewed, including uplands: 0.02 acres. Name of nearest waterway: LAVACA BAY Name of watershed: 12100402 JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 11/29/05 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

La	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: AS STATED BY APPLICANT
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vege Wetland boundaries	tation lines/changes in a second
	Wetland boundaries, as shown on the attached wetland delinea	tion map and/or in a delineation report prepared by:
Basis E I E I E I	S For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a) Headquarters declined to approve jurisdiction on the basis of 33 The Corps has made a case-specific determination that the follounited States: Waste treatment systems, including treatment ponds or Inficially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or creatin water and which are used exclusively for such purrice growing. Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for purrice growing and/or diking dry land to retain water for purrice growing and the resulting body of water meets the defin 328.3(a). Isolated, intrastate wetland with no nexus to interstate con Prior converted cropland, as determined by the Natural Reference.	C(1, 2, or 4-7). CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. if the irrigation ceased. liking dry land to collect and posses as stock watering, irrigation, settling basins, or namental bodies of water created rimarily aesthetic reasons. construction activity and pits excavated in dry land for ntil the construction or excavation operation is nition of waters of the United States found at 33 CFR namerce.
Data Corp U.S. U.S. U.S. USD Natio State/ FEM Aerial Other Advar Site vi Applic	ps, plans, plots or plat submitted by or on behalf of the applicant a sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated plate a sheets prepared by the Corps. This office does not concur with the delineation report, dated a sheets prepared by the Corps. This office does not concur with the delineation report, dated a sheets prepared by the Corps. This office does not concur with the delineation report, dated a sheets prepared by the Corps. This office does not concur with the delineation report, dated a sheets prepared by the Corps. This office does not concur with the delineation report, dated a sheets prepared by the Corps. This office does not concur with the delineation report, dated a sheets prepared by the Corps. This office dated in ventory maps: PT. LAVAC Geological Survey 1.5 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey: The Survey of Survey 1.5 Minute Historic quadrangles: Photographs (Map Name & Date): Photographs (Map Name & Date): Photographs (Name & Date): Photographs (Date):	repared by (company): , prepared by (company):



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 14392(05)/1994

PROJECT LOCATION INFORMATION:

State: Texas County:

Chambers Center coordinates of site (latitude/longitude):

Latitude 29.7067° N; Longitude 94.8595° W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Trinity Bay

Name of watershed: North Galveston Bay Huc: 12040203

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 29 November 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limit to be the limit t United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

L		FILE NUMBER: 14392(05)/1994 d 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
5	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veget Wetland boundaries, as a boundaries.	ration lines (-)
	Wetland boundaries, as shown on the attached wetland delineat	ion map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(a)(a)(b) Headquarters declined to approve jurisdiction on the basis of 33 The Corps has made a case-specific determination that the follow United States: Waste treatment systems, including treatment ponds or la Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or directain water and which are used exclusively for such purprice growing. Artificial reflecting or swimming pools or other small orns by excavating and/or diking dry land to retain water for provided depressions created in dry land incidental to compare the purpose of obtaining fill, sand, or gravel unless and unit abandoned and the resulting body of water meets the defining 328.3(a). Isolated, intrastate wetland with no nexus to interstate compared converted cropland, as determined by the Natural Resident Artificial drainage or insignting that the summer of the purpose of obtaining fill with the Natural Resident Artificial drainage or insignting that the Natural Resident Artificial drainage or insignting that the Natural Resident Artificial Prior converted cropland, as determined by the Natural Resident Artificial Prior Converted Cropland, as determined by the Natural Resident Artificial Prior Converted Cropland Prior Cropland Prior Cropland Prior Cropland Prior Cropland Prior Cropland Prior Cropland Pr	(1, 2, or 4-7). CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. if the irrigation ceased, iking dry land to collect and assess as stock watering, irrigation, settling basins, or amental bodies of water created arimarily aesthetic reasons. construction activity and pits excavated in dry land for til the construction or excavation operation is ition of waters of the United States found at 33 CFR merce.
Data Corp U.S. U.S. U.S. USD Natio FEM 100-y Acria Advan Site v Applie	TIEWED FOR JURSIDICTIONAL DETERMINATION (manages, plans, plots or plat submitted by or on behalf of the applicant ta sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated property, property, property of the constant of the of the c	rk all that apply): epared by (company): , prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 24006

PROJECT LO	CATION I	INFORMATION:
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State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

Latitude 29.7067° N; Longitude 94.8595° W

Approximate size of area (parcel) reviewed, including uplands: 0.3 acres.

Name of nearest waterway: Trinity Bay

Name of watershed: North Galveston Bay Huc: 12040203

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 29 November 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the or the there appear to be no "waters of the or th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.3 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

La	Action of Jurisdiction: (Reference: 33 CFR parts 328 a Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	rid 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veg	etation lines/changes in
	Wetland boundaries, as shown on the attached wetland deline	ation map and/or in a delineation report prepared by:
	Prior converted cropland, as determined by the Natural R Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	3 CFR part 328.3(a)(3). owing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. d if the irrigation ceased. diking dry land to collect and rposes as stock watering, irrigation, settling basins, or rnamental bodies of water created primarily aesthetic reasons. o construction activity and pits excavated in dry land for antil the construction or excavation operation is inition of waters of the United States found at 33 CFR mmerce. desources Conservation Service. Explain rationale: land. Explain rationale:
Dat Dat Cor U.S U.S U.S U.S U.S U.S Actia Adva Appli	ATEWED FOR JURSIDICTIONAL DETERMINATION (naps, plans, plots or plat submitted by or on behalf of the applicant at a sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the Corps. This office does not concur with the delineation report, dated the sheets prepared by the delineation report, dated the delineation report, dated the applicant. This office does not behalf of the applicant. This office does not behalf of the applicant. This office does not behalf of the applicant. This office despited by or on behalf of the applicant. This office does not behalf of the applicant. This office does not behalf of the applicant. This office despited by or on behalf of the applicant. This office despited by or on behalf of the applicant. This office despited by or on behalf of the applicant. This office despited by or on behalf of the applicant. This office despited by or on behalf of the applicant. This office despited by or on behalf of the applicant. This office despited by or on behalf of the applicant. This office despited by or on behalf of the applicant. This office does need the	prepared by (company): , prepared by (company):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 22096(01)

PROJECT LOCATION INFORMATION:

State: Texas County: Calhoun

Center coordinates of site (latitude/longitude): Latitude: 28° 35; 43"N; Longitude: -96° 37' 11"W

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Harbor of Refuge (West Matagorda Bay)

Name of watershed: West Matagorda Bay Huc: 12100402

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 29 November 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, ___ there appear to be (or) ___ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

L1 <u>**</u>	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 32 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: 22096(01) ligh Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetatio Wetland boundaries, as shown on the content of the conte	n lines/st
	Wetland boundaries, as shown on the attached wetland delineation	map and/or in a delineation report prepared by:
Basi	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2) Headquarters declined to approve jurisdiction on the basis of 33 CFR The Corps has made a case-specific determination that the following United States: Waste treatment systems, including treatment ponds or lagoodartificially irrigated areas, which would revert to upland if the Artificial lakes and ponds created by excavating and/or diking retain water and which are used exclusively for such purposes rice growing. Artificial reflecting or swimming pools or other small orname by excavating and/or diking dry land to retain water for primary water-filled depressions created in dry land incidental to const the purpose of obtaining fill, sand, or gravel unless and until the abandoned and the resulting body of water meets the definition 328.3(a). Isolated, intrastate wetland with no nexus to interstate comment Prior converted cropland, as determined by the Natural Resource.	R part 328.3(a)(3). R waters present on the site are not Waters of the ms, pursuant to 33 CFR part 328.3. e irrigation ceased. g dry land to collect and as stock watering, irrigation, settling basins, or intal bodies of water created rily aesthetic reasons. truction activity and pits excavated in dry land for the construction or excavation operation is a of waters of the United States found at 33 CFR ce.
Data Corp U.S. U.S. U.S. USD. Natio State/ FEM/ Aerial Other Advan Site vi Applic	TEWED FOR JURSIDICTIONAL DETERMINATION (mark a ups, plans, plots or plat submitted by or on behalf of the applicant. This office concurs with the delineation report, dated This office does not concur with the delineation.	Il that apply): ed by (company): , prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 21585(01)

ECT LOCATION INFORMATION:
ate: Texas bunty: Calhoun enter coordinates of site (latitude/longitude): Latitude 28° 37' 03"N; 96° 37' 03"W approximate size of area (parcel) reviewed, including uplands: acres.
DICTIONAL DETERMINATION pmpleted: Desktop determination
risdictional Determination (JD):
Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Later C	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: 21585(01) B and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
L	ean High Water Mark indicated by:] survey to available datum; physical markings; v [etland boundaries, as shown on the attached wetland deli	egetation lines/changes in vegetation types.
Basis F The Un He	For Not Asserting Jurisdiction: e reviewed area consists entirely of uplands. able to confirm the presence of waters in 33 CFR part 32: adquarters declined to approve jurisdiction on the basis of the Corps has made a case-specific determination that the found it it it it it it is it i	8(a)(1, 2, or 4-7). f 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the or lagoons, pursuant to 33 CFR part 328.3. and if the irrigation ceased. for diking dry land to collect and purposes as stock watering, irrigation, settling basins, or I ornamental bodies of water created for primarily aesthetic reasons. I to construction activity and pits excavated in dry land for d until the construction or excavation operation is definition of waters of the United States found at 33 CFR commerce. I Resources Conservation Service, Explain rationals:
Data s T Data s Corps U.S. G U.S. G U.S. G USDA Nations State/L FEMA 100-yea Aerial I Other p Advanc Site visi	Non-tidal drainage or irrigation ditches excavated on do Other (explain): WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the applicant sheets prepared/submitted by or on behalf of the applicant his office concurs with the delineation report, dated his office does not concur with the delineation report, dated his office does not behalf of the applicant his office does not beh	I Resources Conservation Service. Explain rationale: Iry land. Explain rationale: (mark all that apply): licant. t. , prepared by (company): ed , prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17986

PR	OJE	CTI	OC4	TION	INFORM	MATION.

State:

Texas Polk

County:

Center coordinates of site (latitude/longitude):

Latitude 30° 45' 05"N; Longitude 95° 05' 56" W

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Lake Livingston

Name of watershed: Trinity River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 29 November 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

0	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Mac There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 5 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Li	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	p) FILE NUMBER: D17986 igh Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation Wetland boundaries, as above.	
Ø	Wetland boundaries, as shown on the attached wetland delineation in	nap and/or in a delineation report prepared by:
Basi	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, 2) Headquarters declined to approve jurisdiction on the basis of 33 CFR The Corps has made a case-specific determination that the following United States: Waste treatment systems, including treatment ponds or lagoor Artificially irrigated areas, which would revert to upland if the Artificial lakes and ponds created by excavating and/or diking retain water and which are used exclusively for such purposes rice growing. Artificial reflecting or swimming pools or other small orname by excavating and/or diking dry land to retain water for primar Water-filled depressions created in dry land incidental to const the purpose of obtaining fill, sand, or gravel unless and until the abandoned and the resulting body of water meets the definition 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce Prior converted cropland, as determined by the Natural Resource.	a, or 4-7). Expart 328.3(a)(3). Waters present on the site are not Waters of the ms, pursuant to 33 CFR part 328.3. The irrigation ceased. The dry land to collect and as stock watering, irrigation, settling basins, or matal bodies of water created rily aesthetic reasons. Truction activity and pits excavated in dry land for the construction or excavation operation is a of waters of the United States found at 33 CFR ceases.
Data Corp U.S. U.S. U.S. U.S. USD Natio State, FEM Aeria Other Advar Applie	IEWED FOR JURSIDICTIONAL DETERMINATION (mark at ps, plans, plots or plat submitted by or on behalf of the applicant. a sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared problems, prepare	Il that apply): ed by (company): , prepared by (company):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-39-014

PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29° 48′ 32″N; 95° 09′ 30″W

Approximate size of area (parcel) reviewed, including uplands: 40 acres.

Name of nearest waterway: Carpenters Bayou Name of watershed: Carpenters Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 29 November 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.29 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

33

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

L	ateral Or	Il Extent of Jurisdiction: (Reference: 33 CFR parts 32 rdinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	28 and	High	FILE NUMBER: SWG-05-39-014 Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
图	Mea	an High Water Mark indicated by: survey to available datum; physical markings;	vegetai	tion li	nes/changes in vessel.
5	Wet	tland boundaries, as shown on the attached wetland del	lineatio	on ma	p and/or in a delineation report prepared by:
Bas	is For The I	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 32 dquarters declined to approve jurisdiction on the basis of Corps has made a case-specific determination that the read States: Waste treatment systems, including treatment ponds Artificially irrigated areas, which would revert to up Artificial lakes and ponds created by excavating and retain water and which are used exclusively for such rice growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water water-filled depressions created in dry land incidentate the purpose of obtaining fill, sand, or gravel unless are abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natura Non-tidal drainage or irrigation ditches excavated on of Other (explain):	28(a)(1) of 33 C following or lag bland if lor dik a purpo ll ornal for prinal to co and unti definit c commal Reso dry lan	, 2, 00 FFR paing wa goons, f the ing di sses as menta marily onstruction of the cources d. Ex	art 4-7). art 328.3(a)(3). aters present on the site are not Waters of the pursuant to 33 CFR part 328.3. rrigation ceased. ry land to collect and s stock watering, irrigation, settling basins, or all bodies of water created s aesthetic reasons. ction activity and pits excavated in dry land for construction or excavation operation is f waters of the United States found at 33 CFR Conservation Service. Explain rationale:
Da Da Da Coi U.S U.S U.S U.S V.S Acri Appl	Ital sheil This she T	verb FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the applicans of soffice concurs with the delineation report, dated soffice does not concur with the delineation report, dated soffice does not concur with the delineation report, dated soffice does not concur with the delineation report, dated soffice does not concur with the delineation report, dated soffice does not concur with the delineation report, dated soffice does not concur with the delineation report, dated soffice does not concur with the delineation report, dated soffice does not concur with the delineation report, dated so soffice does not concur with the delineation report, dated soffice all survey Hydrologic Atlas: plogical Survey 7.5 Minute Topographic maps: plogical Survey 15 Minute Historic quadrangles: atural Resources Conservation Service Soil Survey: wetlands inventory maps: all wetland inventory maps: all wetland inventory maps: IRM maps (Map Name & Date): Floodplain Elevation is: (NGVD) otographs (Name & Date): otographs (Date): Identification Wetland maps: determination conducted on: e/supporting case law: rmation (please specify):	ncant. it.	pared	that apply): by (company): repared by (company):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17971

PRO	HECT	LOCA	TION	INFORM	ATION.

State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

29.7067°N; 94.8595°W

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Trinity Bay Name of watershed: Trinity Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 29 November 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the or the there appear to be no "waters of the or th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.5 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

La	clear	r, natural line impresse presence of litter and d ges in the character of fuction of terrestrial versing	ed on the bank lebris fsoil	328 and	329) High	FILE NUMBER: D-17971 th Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	□ survey	n Water Mark indicated to available datum;] physical markings; [□ vegetat delineatio	ion l	lines/changes in vegetation types. ap and/or in a delineation report prepared by:
Basis	For Not A The reviewe Unable to co Headquarter The Corps h United State Wast Artifi retain by exc Water the pu aband 328.3(Isolate Prior co	ed area consists entirely confirm the presence of the state of the presence of the state of the presence of the state of the presence of the p	ly of uplands. Fwaters in 33 CFR particular processing of the basic determination that the including treatment por which would revert to created by excavating a used exclusively for summing pools or other single dry land to retain water atted in dry land incide a sand, or gravel unlessed body of water meets the with no nexus to interst determined by the Nation ditches excavated or di	t 328(a)(1, is of 33 C he following and or lagge upland if and/or diking the purpos and until the definition and until the definition dry lance on dry lance of the definition dry lance on dry lance of the definition dry lance on dry lance of the definition dry lance of the definiti	, 2, o FR p ng w oons, the ing d ing d ses as nenta narily nstru the co on o	or 4-7). part 328.3(a)(3). vaters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. irrigation ceased. dry land to collect and is stock watering, irrigation, settling basins, or al bodies of water created y aesthetic reasons. Juction activity and pits excavated in dry land for construction or excavation operation is of waters of the United States found at 33 CFR is Conservation Service. Explain rationale: xplain rationale:
Data Corp U.S. U.S. U.S. U.S. USD Natio State FEM 100-y Acria Other Advar Applic	a sheets prediction office a sheets prediction office a sheets prediction of the sheets	pared/submitted by or concurs with the delin does not concur with the derin does not concur with the derin does not concur with the derin does not concur with the derivative of the derivative	the delineation report, of tlas: opographic maps: storic quadrangles: Un storic quadrangles: in Service Soil Survey: e): (NGVD)	ppricant. cant. , prep dated	ared, p	I by (company): orepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 14541(13)

PROJECT LOCATION INFORMATION	PR	OJE.	CT I	LOCA	TION	INFORM	ATION:
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State:

TEXAS

CALHOUN

County:

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 14, E 739180, N 3170745

Approximate size of area (parcel) reviewed, including uplands: 46 acres.

Name of nearest waterway: LAVACA BAY, POINT COMFORT TURNING BASIN

Name of watershed: 12100401

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 11/29/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \text{(or)} \) \(\square there appear to be no "waters of the limits the content of the limits are the content of the limits are the lim United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[3] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

	ord	Extent of Jurisdiction: (Reference: 33 of dinary High Water Mark indicated by: clear, natural line impressed on the ban the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		High	ligh Tide Line indicated by:
	Mea □ s	n High Water Mark indicated by: urvey to available datum; ☐ physical m	arkings; vegetat	tion	D lines/changes :
	Wet	and boundaries, as shown on the attached	d wetland delineation	n n	map and/or in a delineation report prepared by:
Bas	is For The r Unab Headd The C Unite	Not Asserting Jurisdiction: eviewed area consists entirely of uplands let to confirm the presence of waters in 33 quarters declined to approve jurisdiction of corps has made a case-specific determinant d States: Waste treatment systems, including treat Artificially irrigated areas, which would Artificial lakes and ponds created by ex retain water and which are used exclusivated in the second of the secon	G CFR part 328(a)(1, on the basis of 33 C tion that the following atment ponds or lagged revert to upland if cavating and/or dike the for such purpost or other small ornar retain water for prinand incidental to convel unless and until the meets the definition of the Natural Resources of the Natu	coon the cing sess men mari onstr I the tion merce ource	2, or 4-7). R part 328.3(a)(3). g waters present on the site are not Waters of the irrigation ceased. g dry land to collect and so as stock watering, irrigation, settling basins, or ental bodies of water created rily aesthetic reasons. Struction activity and pits excavated in dry land for the construction or excavation operation is not waters of the United States found at 33 CFR ones. The conservation Service is explain rationale: Explain rationale:
Da Da Co U.S U.S U.S USS VISI FEM 100- Aeri Adva Site Appl	This This ta sheet This ta she	ans, plots or plat submitted by or on behalf of office concurs with the delineation report office does not concur with the delineation of office does not concur with the Corps. I description of the Co	the applicant. t, dated , prepon report, dated naps: PT. COMFOR	pare ,	red by (company): , prepared by (company):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER: 23952**

PROJECT LOCATION INFORMATION:

State:

TEXAS

County:

CALHOUN

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 14, E 731134, N 3172576

Approximate size of area (parcel) reviewed, including uplands: 0.02 acres.

Name of nearest waterway: LAVACA BAY

Name of watershed:

12100402

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 11/29/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the property of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

L2	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: 23952 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: AS STATED BY APPLICANT
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vege Wetland boundaries	etation lines/changes in
	Wetland boundaries, as shown on the attached wetland delinea	ation map and/or in a delineation report prepared by:
Basi	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a) Headquarters declined to approve jurisdiction on the basis of 33. The Corps has made a case-specific determination that the follow of the corps has made a case-specific determination that the follow of the corps has made a case-specific determination that the follow of the corps has made a case-specific determination that the follow of the corps has made a case-specific determination that the follow of the corps has made a case-specific determination that the follow of the corps has made a case-specific determination that the follow of the purpose of upland areas, which would revert to upland a retain water and which are used exclusively for such purrice growing. Artificial lakes and ponds created by excavating and/or such purrice growing. Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for purpose of obtaining fill, sand, or gravel unless and undeal abandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and undeal abandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and undeal abandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and undeal abandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and undeal definition of the purpose of obtaining fill, sand, or gravel unless and undeal definition of the purpose of obtaining fill, sand, or gravel unless and undeal definition of the purpose of obtaining fill, sand, or gravel unless and undeal definition of the purpose of obtaining fill, sand, or gravel unless and undeal definition of the purpose of obtaining fill, sand, or gravel unless and undeal definition of the purpose of obtaining fill, sand	a)(1, 2, or 4-7). B CFR part 328.3(a)(3). Dowing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. If if the irrigation ceased. Idiking dry land to collect and poses as stock watering, irrigation, settling basins, or namental bodies of water created primarily aesthetic reasons. Construction activity and pits excavated in dry land for ntil the construction or excavation operation is nition of waters of the United States found at 33 CFR namerce. Esources Conservation Service. Explain rationale:
Date Core U.S. U.S. U.S. U.S. U.S. State FEM Aeria Other Adva	ta sheets prepared/submitted by or on behalf of the applicant. This office concurs with the deligation.	orepared by (company): , prepared by (company):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17855

			FORMATIO	N:		
Stat						
		idalgo	A	. ,	,	NOC 101 50 0C00# WOT 541 41 7170#
			e (latitude/lon			N26 12' 52.8698", W97 54' 41.7170"
					including	uplands: 1 acres.
			ay: Irrigation l			
Nan	ne of watersh	ied:	Rio Grande ri	iver		
			RMINATION			
Con	npleted: D	esktop d	letermination			Date: 30 November 2005
	S	ite visit(s)			Date(s):
Jur	isdictional D) Oetermir	nation (JD):			
	Preliminary	ID - Ra	sed on availa	hle in	formation	, \square there appear to be (or) \boxtimes there appear to be no "waters of the
	United State (Reference	es" and/	or "navigable	water	s of the U	nited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved J Check all th			is an a	ppealable	action (Reference 33 CFR part 331).
	There as	re "navig d area.	gable waters o Approximate	of the size o	United Sta f jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There as	re "wate ea. App	ers of the Unite proximate size	ed Sta e of ju	ites" (as c risdiction	defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There a	re "isolo]	nted, non-navi Decision sup Jurisdiction.	igable portec	, <i>intra-sta</i> I by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (OF JURISD	ICTION	AL DETER	MINA	ATION:	
						avigable waters of the United States":
Ö	The present	ce of wat	ters that are su	ubject	to the ebb	o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
В.	Waters de	fined un	der 33 CFR	part 3	328.3(a) a	s "waters of the United States":
	(1) The pre	sence of	waters, which	h are	currently t	used, or were used in the past, or may be susceptible to use in
	interstate o	r foreign	commerce, ii	ncludi	ing all wat	ters which are subject to the ebb and flow of the tide.
	(2) The pre	sence of	interstate war	ters in	cluding in	nterstate wetlands ¹ .
百	(3) The pre	sence of	other waters	such a	as intrasta	te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, v	vetlands,	, sloughs, prai	irie po	tholes, we	et meadows, playa lakes, or natural ponds, the use, degradation or
	destruction	of whic	h could affect	tinter	state comi	merce including any such waters (check all that apply):
	(i) wh	ich are o	r could be use	ed by	interstate	or foreign travelers for recreational or other purposes.
						be taken and sold in interstate or foreign commerce.
						al purposes by industries in interstate commerce.
						as waters of the US.
					ter identif	ied in (1) – (4) above.
	(6) The pre	sence of	f territorial sea	as.	2	the file and the second for the second tends adjacent to other westends
	(7) The pre	sence of	wetlands adj	acent'	to other	waters of the US, except for those wetlands adjacent to other wetlands.

Laters O	al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	ean High Water Mark indicated by:] survey to available datum; physical markings; vegetation lines/changes in vegetation types.
□ we	etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Basis Fo	or Not Asserting Jurisdiction: e reviewed area consists entirely of uplands. able to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). adquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). e Corps has made a case-specific determination that the following waters present on the site are not Waters of the ited States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
Data s Data s Data s Corps U.S. G U.S. G U.S. G USDA Nation State/L FEMA 100-yes Advanc Site vis Applica	EWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): a, plans, plots or plat submitted by or on behalf of the applicant. his office concurs with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): his office long prepared by (company): his

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17856

PROJE	CT LOCATION	INFORMATION:		
Sta	te: TX			
	unty: Hidalg			
		site (latitude/longitud		N26 19' 24.2285", W98 23' 19.7830"
Ap	proximate size of a	area (parcel) reviewed,	including	guplands: 1 acres.
		erway: Elevated Divers	sion Canal	
Na	me of watershed:	Rio Grande River		
JURISI	DICTIONAL DET	FERMINATION		
	mpleted: Deskto		\boxtimes	Date: 30 November 2005
	Site vi	-		Date(s):
	Site VI	311(3)		Date(s).
Jui	isdictional Deter			
	Preliminary JD - United States" at (Reference 33 C)	nd/or "navigable water	formation, s of the U	, there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×	Approved JD – A Check all that ap		ppealable	action (Reference 33 CFR part 331).
	There are "na the reviewed are	avigable waters of the a. Approximate size o	United Sta f jurisdicti	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are "w reviewed area. A	aters of the United Sta Approximate size of just	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the larea:
	There are "is	colated, non-navigable, Decision supported Jurisdiction.	, <i>intra-stat</i> I by SWA1	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (OF JURISDICTION	ONAL DETERMINA	TION.	
				vigable waters of the United States":
	The presence of v	waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
	the past, or may	be susceptible for use	to transpor	t interstate or foreign commerce.
В.	Waters defined	under 33 CFR nart 3	28 3(a) as	"waters of the United States":
	(1) The presence	of waters, which are o	urrently u	sed, or were used in the past, or may be susceptible to use in
	interstate or forei	ign commerce, includi	ng all wate	ers which are subject to the ebb and flow of the tide.
		of interstate waters in		
	(3) The presence	of other waters such a	s intrastate	e lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlan	ds, sloughs, prairie pot	holes, wet	t meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of wh	nich could affect inters	tate comm	nerce including any such waters (check all that apply):
	(i) which are	e or could be used by in	nterstate o	r foreign travelers for recreational or other purposes.
	(ii) from wh	ich fish or shellfish are	or could	be taken and sold in interstate or foreign commerce.
	(iii) which a	re or could be used for	industrial	purposes by industries in interstate commerce.
		ts of waters otherwise		
	(5) The presence	of a tributary to a water	er identifie	ed in (1) – (4) above.
具	(6) The presence	of territorial seas.		
	(/) The presence	or wetlands adjacent	to other w	aters of the US, except for those wetlands adjacent to other wetlands.
Rat	ionale for the Bas	sis of Jurisdictional D	etermina	tion (applies to any boxes checked above). If the jurisdictional

		2	
Latera	al Extent of Jurisdiction: (Reference: 33 CFR parts ordinary High Water Mark indicated by:	328 and 329)	
	clear, natural line impressed on the bank	High Tide Line indicated by:	
	the presence of litter and debris	Oil or scum line along shore objects	
	changes in the character of soil	line shell or debris deposits (foresh	ore)
	destruction of terrestrial vegetation	Physical markings/characteristics	лсу
H	Shelving	☐ tidal gages	
لــا	other:	☐ other:	
☐ Me	non III-l W		
	ean High Water Mark indicated by:		
	survey to available datum; physical markings;	vegetation lines/changes in vegetation types	
☐ We	etland boundaries as shown on the attack to the	vegetation types.	
	etland boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepare	ared by:
		1 - 1	
☐ The	or Not Asserting Jurisdiction:		
Una	reviewed area consists entirely of uplands.		
Head	able to confirm the presence of waters in 33 CFR partiduarters declined to approve jurisdiction and	t 328(a)(1, 2, or 4-7).	
The	dquarters declined to approve jurisdiction on the base. Corps has made a case-specific determination that the	is of 33 CFR part 328.3(a)(3)	
Unit	Corps has made a case-specific determination that the States: Waste treatment of approve jurisdiction on the base control of the state	he following waters present on the site are not West	C.1
	waste deadlight systems including the		ers of the
	Waste treatment systems, including treatment por Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excepting a	nds or lagoons, pursuant to 33 CFR part 328 3	
	Artificial lakes and nonde granted by	apidital in the irrigation ceased.	
	Artificial lakes and ponds created by excavating a retain water and which are used exclusively for si	and/or diking dry land to collect and	
	rice growing.	den purposes as stock watering, irrigation, settling t	pasins or
	Thirtial Tellecting or swimming needs	· ·	×451115, 01
[7]	by excavating and/or diking dry land to retain wat Water-filled depressions created in dry land incide	ter for primaril	
	Water-filled depressions created in dry land incide	ental to construction and the construction and the construction and the construction and the construction are the construction and the construction are the construction and the construction are the construction are the construction are the construction and the construction are the	
	the purpose of obtaining fill, sand, or gravel unless	ter for primarily aesthetic reasons. ental to construction activity and pits excavated in construction or except the construction of the construction of the construction or except the construction of the constructi	iry land for
	abandoned and the resulting body of water meets t	ental to construction activity and pits excavated in c s and until the construction or excavation operation the definition of waters of the United States found a	is
	326.3(a).	waters of the United States found a	at 33 CFR
H	isolated, illiasiate welland with no ne-		
	The converted cropland, as determined by the Na	tate commerce. tural Resources Conservation Service. Explain ratio	
	Non-tidal drainage or irrigation ditabas	Explain ratio	onale:
	Non-tidal drainage or irrigation ditches excavated of Other (explain):	on dry land. Explain rationale:	
DATA REVIEW	WED FOR JURSIDICTIONAL DETERMINATION Plans, plots or plat submitted by or on hebalf of the control of the contr		
Maps,	plans, plots or plat submitted by or on behalf of the a	ON (mark all that apply):	
Data sl	heets prepared/submitted by on an 1-1-16 as	applicant.	
	orrice does not concur with the daily	, prepared by (company):	
		dated , prepared by (company):	
Corps Corps	navigable waters' studies:	- •/	
U.S. G	cological Survey Hydrologic Au		
U.S. Ge	cological Survey 7.5 Minute Tongen 1.	TIS City One d	
U.S. Ge	eological Survey 7.5 Minute Historic quadrangles:	us City Quad	
X USDA			
		: Hidalgo County	
	al wetlands inventory maps: Citrus City cocal wetland inventory maps:	g. county	
☐ FEMA/I	FIRM maps (Map Name & Date):		
100-year	I floodplain Elevation is: QUART		
Aeriai P	hotographs (Name & Date), TNDIC 1000		
Outer bil	iologiaphs (1)ate).		
	ed Identification Wetland manage		
- Site VISIT	Vuelermination conducted on.		
д Аррисав	DIE/Supporting case law:		
Uther inf	formation (please specify):		

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17857

	CT LOCATION INFORMATION:
Sta	•••
	unty: Hidalgo nter coordinates of site (latitude/longitude): N26 19' 24.1912", W98 23' 18.6650"
Ap	nter coordinates of site (latitude/longitude): N26 19' 24.1912", W98 23' 18.6650" proximate size of area (parcel) reviewed, including uplands: 1 acres.
Nai	me of nearest waterway: Elevated Diversion Canal
Nai	me of watershed: Rio Grande River
HIDICE	DICTIONAL DETERMINATION
	• • · · · · · · · · · · · · · · · · · ·
	mpleted: Desktop determination
	Daic(s).
Jur	isdictional Determination (JD):
***	Preliminary JD - Based on available information, \square there appear to be (or) \boxtimes there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS C	OF JURISDICTIONAL DETERMINATION:
Α.	Waters defined under 33 CFR part 329 as "navigable waters of the United States".
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
-	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide
	(2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(1) which are or could be used by interstate or foreign travelers for recreational or other purposes
	(11) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce
3	(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.
靣	(6) The presence of territorial seas.
8	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.
	· · ·

Latera Or	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) redinary High Water Mark indicated by:
L	an High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types.
∐ We	tland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Unal	reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). dquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Corps has made a case-specific determination that the following waters present on the site are not Waters of the ed States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
Data sh Th Th Data sh Corps' U.S. Ge U.S. Ge U.S. Ge U.S. Ge U.S. Ge U.S. Ge Autional State/Lo FEMA/F 100-year Acrial Pl Other ph Advance Site visit. Applicab	wed for Jursidictional Determination (mark all that apply): plans, plots or plat submitted by or on behalf of the applicant. is office concurs with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, dated prepared by (company): is office does not concur with the delineation report, da

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17858

		N26 8' 14. 4832", W98 3' 9.8084 g uplands: 1 acres.	
mpleted: Desktop determination Site visit(s)	×	Date: 30 November 2005 Date(s):	
risdictional Determination (JD):			
		there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable	
Approved JD – An approved JD is an a Check all that apply:	ppealable	action (Reference 33 CFR part 331).	
		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:	
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
		te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.	
Waters defined under 33 CFR part 3. The presence of waters that are subject	29 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in	
 B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. 			
	te: TX anty: Hidalgo nter coordinates of site (latitude/longitude proximate size of area (parcel) reviewed, me of nearest waterway: Irrigation Ditch me of watershed: Rio Grande River DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) Fisdictional Determination (JD): Preliminary JD - Based on available infunited States" and/or "navigable waters (Reference 33 CFR part 331). Approved JD - An approved JD is an a Check all that apply: There are "navigable waters of the United State reviewed area. Approximate size of jun the reviewed area. Approximate size of jun the presence of waters that are subject the past, or may be susceptible for use the past, or may be susceptible for use to the presence of other waters such a sandflats, wetlands, sloughs, prairie pot destruction of which could affect inters (i) which are or could be used by in (ii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a wate (6) The presence of territorial seas.	te: TX unty: Hidalgo nter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including me of nearest waterway: Irrigation Ditch me of watershed: Rio Grande River DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) Preliminary JD - Based on available information United States" and/or "navigable waters of the U (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable Check all that apply: There are "navigable waters of the United States the reviewed area. Approximate size of jurisdict reviewed area. Approximate size of jurisdictions There are "isolated, non-navigable, intra-state Decision supported by SWA Jurisdiction. OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "na The presence of waters that are subject to the ebb the past, or may be susceptible for use to transpo Waters defined under 33 CFR part 328.3(a) as (1) The presence of interstate waters including in (3) The presence of other waters such as intrastat sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate comm (i) which are or could be used by interstate of (iii) from which fish or shellfish are or could (iii) which are or could be used for industria (4) Impoundments of waters otherwise defined a (5) The presence of territorial seas.	

Lateral Or.	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Idinary High Water Mark indicated by:				
☐ Mea	an High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types.				
☐ Wet	tland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:				
Basis For ☑ The ☐ Unat ☐ Head	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). diquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Corps has made a case-specific determination that the following waters present on the site are not Waters of the ed States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:				
DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated					

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17859

PR	Cou Cent App Nam	e: nty: ter coordii roximate s	TX Hidalgo nates of sit size of are est waterw	e (latitude/longitua (parcel) reviewe ay: Irrigation Dito Rio Grande Rive	d, including h	N26 12' 44.8331', W97 55' 58.6852" g uplands: 1 acres.
JUI				RMINATION determination (s)	×	Date: 30 November 2005 Date(s):
		Prelimina United St	ary JD - Batates" and			, ☐ there appear to be (or) ☒ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
	\boxtimes		d JD – An l that apply		appealable	e action (Reference 33 CFR part 331).
				gable waters of th Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within cional area:
				ers of the United S proximate size of		defined by 33 CFR part 328 and associated guidance) within the all area:
		☐ There	are "isolo			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BA	A.	Waters of The prese	defined un ence of wa	ters that are subject	329 as "nact to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
		interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.				
	D -4	ionalo fon	Aha Dasis	of Iuwiadiational	Determin	stion (applies to any horse shooted about). If the invisdictional

Lateral Ord	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) dinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:				
Mean □ s	in High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types.				
Wetl	land boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:				
Basis For The r Unab Heade The C Unite	Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). quarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Corps has made a case-specific determination that the following waters present on the site are not Waters of the destates: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 1328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:				
DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated					

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17860

Star Cor Cer App Nar	unty: Hidalgo ater coordinates of si proximate size of are	ite (latitude/longitude ea (parcel) reviewed, way: Irrigation Ditch Rio Grande River	including	N26 12' 51.8822, W97 54' 35.7807" uplands: 1 acres.
	pictional dete npleted: Desktop Site visit	determination	×	Date: 30 November 2005 Date(s):
Jur	isdictional Determ	ination (JD):		
P.;]		l/or "navigable water		there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
☒	Approved JD – Ar Check all that appl		ppealable	action (Reference 33 CFR part 331).
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:			
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
	☐ There are "ison			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
<u>A.</u>	Waters defined up The presence of wa	aters that are subject	329 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in rt interstate or foreign commerce.
B	 (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. 			

Lateral Or	Changes in the character of soil	um line along shore objects Il or debris deposits (foreshore) markings/characteristics			
☐ Mea	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/chan	ages in vacatation t			
☐ Wet	Wetland boundaries, as shown on the attached wetland delineation map and/or	in a delineation report prepared by:			
Basis For The Unate Head Unite	For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Inable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). It is eadquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3 The Corps has made a case-specific determination that the following waters presented States: Waste treatment systems, including treatment ponds or lagoons, pursuan Artificially irrigated areas, which would revert to upland if the irrigation Artificial lakes and ponds created by excavating and/or diking dry land to retain water and which are used exclusively for such purposes as stock was rice growing. Artificial reflecting or swimming pools or other small ornamental bodies by excavating and/or diking dry land to retain water for primarily aesthet Water-filled depressions created in dry land incidental to construction act the purpose of obtaining fill, sand, or gravel unless and until the construct abandoned and the resulting body of water meets the definition of waters 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conser Non-tidal drainage or irrigation ditches excavated on dry land. Explain ra Other (explain):	B(a)(3). Seent on the site are not Waters of the at to 33 CFR part 328.3. I ceased. To collect and evatering, irrigation, settling basins, or a soft water created the reasons. It is of water created the reasons. It is of the United States found at 33 CFR evation Service. Explain rationale:			
DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Mercedes Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Hidalgo County National wetlands inventory maps: Mercedes State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):					

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-17893

DDO			THOM INFORM	. mrosy		
	_		TION INFORM	ATION:		
	State		Texas			
	Cou	•	San Patricio			AT 10 A0 A1 A1 A1 A
			nates of site (latitu			27-53-23.25 97-9-1.9
					including	uplands: approx. 2 acres.
			est waterway: Red			
	Nan	ne of wate	rshed: Redfish	n Bay		
JUR	ISD	ICTIONA	AL DETERMINA	ATION		
	Con	pleted:	Desktop determin	nation		Date:
		•	Site visit(s)			Date(s): 30 November 2005
			510 (1510(5)		لحعا	Date(3). 30 November 2003
	Juri	sdictiona	l Determination ((JD):		
	131	United St		igable water		☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	×		d JD – An approve l that apply:	ed JD is an a	ppealable	action (Reference 33 CFR part 331).
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
		☐ There		on supported		te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
RAS	16 0	E IIIDIC	DICTIONAL DE	TEDMINA	TION.	
						vigable waters of the United States":
						and flow of the tide and/or are presently used, or have been used in
	ш					t interstate or foreign commerce.
		the past,	or may be suscepti	ioic for use i	o transpor	I interstate of foreign commerce.
	В.	Waters d	defined under 33	CFR nart 3	28 3(a) as	"waters of the United States":
						sed, or were used in the past, or may be susceptible to use in
						ers which are subject to the ebb and flow of the tide.
	П		resence of intersta			
	Ħ					e lakes, rivers, streams (including intermittent streams), mudflats,
						t meadows, playa lakes, or natural ponds, the use, degradation or
						herce including any such waters (check all that apply):
						r foreign travelers for recreational or other purposes.
						be taken and sold in interstate or foreign commerce.
		(iii)	which are or could	d be used for	industrial	purposes by industries in interstate commerce.
		(4) Impor	undments of water	s otherwise	defined as	s waters of the US.
					er identifie	ed in (1) – (4) above.
		(6) The p	resence of territor	ial seas.		
	ÿn.	(7) The p	resence of wetland	ds adjacent ²	to other w	raters of the US, except for those wetlands adjacent to other wetlands.

	al Extent of Jurisdiction: (Reference: 33 CFR parts 32 redinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	PILE NUMBER: D-17893 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:			
L	ean High Water Mark indicated by: survey to available datum; physical markings;	vegetation lines/changes in vegetation types.			
□ We	etland boundaries, as shown on the attached wetland de	elineation map and/or in a delineation report prepared by:			
Heater Property of the Control of th	or Not Asserting Jurisdiction: Exercised area consists entirely of uplands, able to confirm the presence of waters in 33 CFR part 3 adquarters declined to approve jurisdiction on the basis accorps has made a case-specific determination that the ited States: Waste treatment systems, including treatment pond Artificially irrigated areas, which would revert to undertificial lakes and ponds created by excavating an retain water and which are used exclusively for succein rice growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unless a abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natur	of 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the dis or lagoons, pursuant to 33 CFR part 328.3. pland if the irrigation ceased. d/or diking dry land to collect and h purposes as stock watering, irrigation, settling basins, or all ornamental bodies of water created r for primarily aesthetic reasons. tal to construction activity and pits excavated in dry land for and until the construction or excavation operation is e definition of waters of the United States found at 33 CFR the commerce. tral Resources Conservation Service. Explain rationale:			
Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Aransas Pass U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: State/Local wetlands inventory maps: Aransas Pass State/Local wetland inventory maps: Aransas Pass, Community Panel 485453 0019B March 4, 1985 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Name & Date): Other photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):					

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 20728(01)

PRO	IFCT	LOCA	TION	INFOR	MA	TION

State:

Texas Polk

County:

Center coordinates of site (latitude/longitude):

Lat: 30.48.55 Long: 95.04.41

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Kickapoo Creek Name of watershed: Trinity River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 30 November 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marcher are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Li	teral Extent of Jurisdiction: (Reference: 33 CFR particles of Drdinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	rts 328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<u>8</u>	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings Wetland boundaries.	Vegetation lines/changes in a second
	Wetland boundaries, as shown on the attached wetland	d delineation map and/or in a delineation report prepared by:
	S For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR p Headquarters declined to approve jurisdiction on the b The Corps has made a case-specific determination that United States: Waste treatment systems, including treatment p Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain w Water-filled depressions created in dry land inci the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to inte Prior converted cropland, as determined by the N Non-tidal drainage or irrigation ditches excavated Other (explain):	art 328(a)(1, 2, or 4-7). asis of 33 CFR part 328.3(a)(3). It the following waters present on the site are not Waters of the bonds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. It gand/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or It small ornamental bodies of water created rater for primarily aesthetic reasons. Idental to construction activity and pits excavated in dry land for ress and until the construction or excavation operation is It the definition of waters of the United States found at 33 CFR restate commerce. Idental Resources Conservation Service. Explain rationale:
Date of the control o	ps, plans, plots or plat submitted by or on behalf of the as sheets prepared/submitted by or on behalf of the as sheets prepared/submitted by or on behalf of the app. This office concurs with the delineation report, dated This office does not concur with the delineation report as sheets prepared by the Corps. ps' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey and wetlands inventory maps: A/FIRM maps (Map Name & Date): A/FIRM maps (Map Name & Date): A/FIRM maps (Name & Date): A photographs (Date): A photographs (Date): A ced Identification Wetland maps: A isit/determination conducted on: Cable/supporting case law: A information (please specify):	dicant. , prepared by (company): t, dated , prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 10902(06)

PR	O.	JF.	CT	L	റ	'A	T	IC	N	IN	F	OF	N	1 A	T	n	N.	

State: Texas County: Harris

Center coordinates of site (latitude/longitude): Lat: 29.40.53 Long: 95.00.39

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 30 November 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

La	Ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: 10902(06) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ v	egetation lines/changes in vegetation types
	Wetland boundaries, as shown on the attached wetland deli	neation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 32 Headquarters declined to approve jurisdiction on the basis of The Corps has made a case-specific determination that the full that the states: Waste treatment systems, including treatment ponds Artificially irrigated areas, which would revert to uple Artificial lakes and ponds created by excavating and/retain water and which are used exclusively for such rice growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidenta the purpose of obtaining fill, sand, or gravel unless an abandoned and the resulting body of water meets the of 328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natura	8(a)(1, 2, or 4-7). f 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the or lagoons, pursuant to 33 CFR part 328.3. land if the irrigation ceased. for diking dry land to collect and purposes as stock watering, irrigation, settling basins, or or l ornamental bodies of water created for primarily aesthetic reasons. If to construction activity and pits excavated in dry land for or d until the construction or excavation operation is definition of waters of the United States found at 33 CFR commerce. If Resources Conservation Service, Explain rationals:
Da Da Da Co U.S U.S U.S U.S V.S Acri Acri Adva Site Appl	VIEWED FOR JURSIDICTIONAL DETERMINATION (aps, plans, plots or plat submitted by or on behalf of the applicant at sheets prepared/submitted by or on behalf of the applicant of this office concurs with the delineation report, dated on the concur with the delineation report, dated on the corps. This office does not concur with the delineation report, dated on the corps of the corps	licant. t.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 24008

PROJECT LOCATION INFORMATION:

State:

Texas

Trinity County: Center coordinates of site (latitude/longitude):

Lat: 30.58.09 Long: 95.20.06

Approximate size of area (parcel) reviewed, including uplands: 2 acres.

Name of nearest waterway: White Rock Creek

Name of watershed: Trinity River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 30 November 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\begin{aligned} \text{there appear to be (or)} \emptyset \emptyset \text{there appear to be no "waters of the property to be no "waters of the property to be no "waters of the pr United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marcher There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (2) The presence of interstate waters including interstate wedands.

 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

La	ord	Extent of Jurisdiction: (Reference: 33 CFR part linary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	s 328 and 329	g) igh Tide Line indicated by oil or scum line along fine shell or debris der physical markings/cha tidal gages other:	shore objects
	LJ S	n High Water Mark indicated by: urvey to available datum; physical markings; and boundaries as shown on the area to be	vegetation	n lines/changes in vegetat	ion types.
Basi	is For The re Unable Header The Countries	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR paragraph paragraph and to approve jurisdiction on the base corps has made a case-specific determination that distates: Waste treatment systems, including treatment paracraph paragraph and which are used exclusively for strict growing. Artificial lakes and ponds created by excavating retain water and which are used exclusively for strict growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meets 328.3(a). Isolated, intrastate wetland with no nexus to inter Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavated Other (explain):	art 328(a)(1, 2, asis of 33 CFR the following onds or lagoor o upland if the and/or diking such purposes small ornamedater for primal dental to consists and until the the definition estate commercatural Resource	t, or 4-7). R part 328.3(a)(3). R waters present on the site of th	e are not Waters of the art 328.3. tion, settling basins, or ed excavated in dry land for tion operation is States found at 33 CFR
Dai Dat Cor U.S U.S U.S USI State Adva Appli	/IEW aps, pluta shed This This ta shed This Geo Geo Geo Geo Geo Helloca AA/FII Helloca Aa/FII Helloca Ai	ED FOR JURSIDICTIONAL DETERMINAT lans, plots or plat submitted by or on behalf of the lans, plots or plat submitted by or on behalf of the lans, plots or plat submitted by or on behalf of the approper office concurs with the delineation report, dated office does not concur with the delineation report ests prepared by the Corps. lavingable waters' studies: logical Survey Hydrologic Atlas: logical Survey Hydrologic Atlas: logical Survey 7.5 Minute Topographic maps: Trilogical Survey 15 Minute Historic quadrangles: logical Survey 16 Minute Historic quadrangles: logical Survey 17 Minute Historic quadrangles: logical Survey 18 Minute Historic quadrangles: logical Survey 19 Minute	TON (mark a applicant. licant. , prepar t, dated		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16861(01)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29-49-07 N

Long: 95-38-51 W

Approximate size of area (parcel) reviewed, including uplands: 30 acres.

Name of nearest waterway: Bear Creek **Buffalo-San Jacinto** Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 01 December 2005 Date(s): 17 November 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: unknown.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.65 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Late	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: D-16861(01) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
ı	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veg	etation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland deline Ferracon	ation map and/or in a delineation report prepared by:
Basis T U H	For Not Asserting Jurisdiction: he reviewed area consists entirely of uplands. nable to confirm the presence of waters in 33 CFR part 328(a) eadquarters declined to approve jurisdiction on the basis of 3 he Corps has made a case-specific determination that the foll nited States: Waste treatment systems, including treatment ponds or Artificially irrigated areas, which would revert to uplan Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such purice growing. Artificial reflecting or swimming pools or other small o by excavating and/or diving declarate.	a)(1, 2, or 4-7). 3 CFR part 328.3(a)(3). owing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. d if the irrigation ceased. diking dry land to collect and rposes as stock watering, irrigation, settling basins, or rnamental bodies of water created primarily aesthetic reasons. o construction activity and pits excavated in dry land for until the construction or excavation operation is finition of waters of the United States found at 33 CFR ommerce. Resources Conservation Service. Explain rationale:
Data Data Data Corp U.S. U.S. U.S. USDA Nation State/ FEMA 100-yo Aerial Other Advan Site vi: Applic	EWED FOR JURSIDICTIONAL DETERMINATION (no. 18), plans, plots or plat submitted by or on behalf of the applicant sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 22 June This office does not concur with the delineation report, dated sheets prepared by the Corps. s' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Addicks, Geological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey: Galvinal wetlands inventory maps: Local wetland inventory maps: Local wetland inventory maps: AFIRM maps (Map Name & Date): Harris County Panel 610 car Floodplain Elevation is: (NGVD) Photographs (Name & Date): 1995 Addicks photographs (Date): ced Identification Wetland maps: sit/determination conducted on: 17 November 2005 able/supporting case law: nformation (please specify):	e 2005, prepared by (company): Terracon, prepared by (company): Fex. 1995

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23848

PROJECT	LOCA	TION	INFORM	MATION:	
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State: Texas County: Harris

Center coordinates of site (latitude/longitude): Lat: 29.59.55 Long: 95.33.30

Approximate size of area (parcel) reviewed, including uplands: 25 acres. Name of nearest waterway: Un-named Tributary to Cypress Creek

Name of watershed: Greens Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 1 December 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

					2			
L:	ateral Ord	clear, natur the presenc changes in		sed on the bank debris	FR parts 328 an	High	Tide Line indicated by: oil or scum line along s fine shell or debris depo physical markings/chara tidal gages other:	Shore objects
	Mean	n High Water urvey to avai	Mark indicat lable datum;	ed by:	rkings; 🔲 vege	tation lie	nes/changes in vegetatio	
	Wetl	and boundari	es, as shown (on the attached	wetland delinear	tion map	o and/or in a delineation	on types. report prepared by:
Bas	is For The re Unabl Heade The C United	Not Assertii eviewed area le to confirm juarters decli Corps has mad d States: Waste treat Artificially Artificial la retain water rice growing Artificial ret by excavatir Water-filled the purpose a bandoned a 328.3(a). Isolated, intri Prior convert	ng Jurisdictio consists entire the presence of ned to approve de a case-spece ment systems, irrigated areas kes and ponds and which areas flecting or swing and/or diking depressions of of obtaining find the resulting	ely of uplands. of waters in 33 (e jurisdiction or ific determination including treats, which would be created by exceed eused exclusive imming pools of ing dry land to recreated in dry land, sand, or graving body of water with no nexus as determined by	CFR part 328(a) in the basis of 33 on that the followment ponds or larevert to upland avating and/or dely for such purport of the small or the properties of	(1, 2, or CFR pawing war agoons, if the ir iking drooses as amental rimarily constructil the contion of merce. sources	art 328.3(a)(3). Anters present on the site pursuant to 33 CFR parrigation ceased. Y land to collect and stock watering, irrigation to stock watering, irrigation activity and pits exponstruction or excavation waters of the United Stocks.	are not Waters of the rt 328.3. on, settling basins, or d excavated in dry land for on operation is tates found at 33 CFR
Da Da Da Co U.S U.S U.S V.S Aeri Appl	ta shed This This ta shed rps' na S. Geol S. Geol DA Na ional ve/Loca MA/FIR year F ial Photer phote anced licable/	ets prepared/office concu- office does nets prepared by the avigable water logical Survers logical Indication of logical Survers logical Surve	submitted by or swith the delete concur with the Corps. The Corps. The Corps of the	or on behalf of the lineation report, the delineation Atlas: Topographic mathistoric quadrantistoric quadrantion Service Soil (NGVD)	dated , pin report, dated aps: Satsuma agles: gles: I Survey:	t. repared	that apply): by (company): repared by (company):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17897

PROJECT LOCATION INFORMATION:

State: TX

County: Galveston
Center coordinates of site (latitude/longitude):

29° 26' 11"N, 94° 40' 06"W and 29° 26' 01"N, 94° 40' 19"W

(NAD27)

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Gulf of Mexico

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

ermination

Date: 12/01/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands (per the 87 WDM) are located in the 100-yr flood plain and are part of a surface tributary system and may include a portion of the Gulf of Mexico (need better project boundaries).

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 a Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: D-17897 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: survey to available datum; physical markings; veg Wetland boundaries, as shown on the attached wetland deline	getation lines/changes in vegetation types.
Basis	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(Headquarters declined to approve jurisdiction on the basis of 3 The Corps has made a case-specific determination that the following treatment systems, including treatment ponds or Artificially irrigated areas, which would revert to uplar Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such purice growing. Artificial reflecting or swimming pools or other small of by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the de 328.3(a). Isolated, intrastate wetland with no nexus to interstate of Prior converted cropland, as determined by the Natural 1	a)(1, 2, or 4-7). 33 CFR part 328.3(a)(3). lowing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. and if the irrigation ceased. diking dry land to collect and arposes as stock watering, irrigation, settling basins, or primarily aesthetic reasons. o construction activity and pits excavated in dry land for until the construction or excavation operation is finition of waters of the United States found at 33 CFR part 328.3. ommerce. Resources Conservation Service. Explain rationale:
DATA REV	TEWED FOR JURSIDICTIONAL DETERMINATION (ps, plans, plots or plat submitted by or or but 15 cm.)	mark all that apply):
Dat Dat Cor U.S U.S U.S. V.S V.S Acria Appl	ta sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated This office does not concur with the delineation report, dated a sheets prepared by the Corps. ps' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey: onal wetlands inventory maps: Local wetland inventory maps: Local wetland inventory maps: MA/FIRM maps (Map Name & Date): year Floodplain Elevation is: (NGVD) al Photographs (Name & Date): 1995 & 2003 or photographs (Date): anced Identification Wetland maps: visit/determination conducted on: icable/supporting case law: r information (please specify):	ant.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 24013

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Lat: 29.30.06 Long: 94.56.36

Approximate size of area (parcel) reviewed, including uplands: 30 acres.

Name of nearest waterway: Highland Bayou Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 2 December 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: 24013 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ v Wetland boundering the survey of the	regetation lines/changes in vegetation types
■ v	Wetland boundaries, as shown on the attached wetland deli	ineation map and/or in a delineation report prepared by:
Basis I Tr	For Not Asserting Jurisdiction: he reviewed area consists entirely of uplands. nable to confirm the presence of waters in 33 CFR part 32 eadquarters declined to approve jurisdiction on the basis of the Corps has made a case-specific determination that the finited States: Waste treatment systems, including treatment ponds Artificially irrigated areas, which would revert to uplate Artificial lakes and ponds created by excavating andoretain water and which are used exclusively for such rice growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidentate the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the case of the same states of the same states of the prior converted cropland, as determined by the Natura Non-tidal drainage or irrigation ditches excavated on the other (explain):	8(a)(1, 2, or 4-7). f 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the or lagoons, pursuant to 33 CFR part 328.3. land if the irrigation ceased. for diking dry land to collect and purposes as stock watering, irrigation, settling basins, or or lornamental bodies of water created for primarily aesthetic reasons. If to construction activity and pits excavated in dry land for a until the construction or excavation operation is definition of waters of the United States found at 33 CFR commerce. If Resources Conservation Service. Explain rationale:
Data Data: Corps U.S. C U.S. C U.S. C USDA Nation State/I FEMA 100-ye Aerial: Other p Advance Site vis Applica	EWED FOR JURSIDICTIONAL DETERMINATION s, plans, plots or plat submitted by or on behalf of the applicant sheets prepared/submitted by or on behalf of the applicant this office concurs with the delineation report, dated this office does not concur with the delineation report, dated sheets prepared by the Corps. s' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Virginia Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey: nal wetlands inventory maps: Local wetland inventory maps: Local wetland inventory maps: WFIRM maps (Map Name & Date): ear Floodplain Elevation is: (NGVD) Photographs (Name & Date): photographs (Date): ced Identification Wetland maps: sit/determination conducted on: able/supporting case law: information (please specify):	t. , prepared by (company): ed , prepared by (company):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-23-001

PROJECT LOCATION INFORMATION:

State:

Louisiana

County:

Vernon Parish

Center coordinates of site (latitude/longitude):

Lat: 31.04.03 Long: 93.29.30

Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Forker and Caney Creeks

Wiskey Chitto Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 2 December 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit the limit there appear to be no "waters of the limit th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

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(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Later (Control Control Contro	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	FILE NUMBER: SWG-05-23-001 A
M (C	lean High Water Mark indicated by:] survey to available datum; physical markings; v	egetation lines/changes in vegetation to
■ W	etland boundaries, as shown on the attached wetland deli	neation map and/or in a delineation report prepared by:
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Data s Data s Data s Corps' U.S. G U.S. G U.S. G USDA Nationa State/L FEMA/ 100-yea Aerial F Other pl Advance Site visi Applical	WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the applicant sheets prepared/submitted by or on behalf of the applicant his office concurs with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated heets prepared by the Corps. In avigable waters' studies: I ieological Survey Hydrologic Atlas: I ieological Survey 7.5 Minute Topographic maps: Burr Fere eological Survey 7.5 Minute Historic quadrangles: I eological Survey 15 Minute Historic quadrangles: I watural Resources Conservation Service Soil Survey: I al wetlands inventory maps: I wetlands inventory maps: I first maps (Map Name & Date): I ar Floodplain Elevation is: (NGVD) I hotographs (Name & Date): I hotographs (Date): I del dentification Wetland maps: I determination conducted on: I ble/supporting case law: I formation (please specify): See Permit File No. D-13227	icant. , prepared by (company): ed , prepared by (company):

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